Appendix B:
Forms 21-30

Clearance Report Review Worksheet

The use of this form is optional. It can be used at the completion of an interim controls or standard treatments job to document that clearance was achieved and the clearance report is complete.

Property Address:_____ Date:_____

Name of Reviewer:_____ Title:_____

Question	Yes	No	Notes
The clearance exam report from the clearance examiner must include items number 1 though 6.			
1. Property address and specific unit or common areas identified.			
2. Name, address, signature and certification number of each person involved in the clearance examinations.			
3. Name and identification number of each laboratory conducting an analysis.			
4. Dates of clearance examination.			
5. Results of visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips.			
6. Results of the analysis of dust samples in micrograms square feet (µg ft²) by location of sample.			
The report must also include information on lead hazard reduction (Items 7-11). The jurisdiction may have to add this information to the report themselves or request it from the contractor if it is not included in the original clearance exam report.			
7. Name and address of each firm and supervisor involved in the lead-hazard reduction activity.			
8. Start and completion date of lead hazard reduction activity.			
9. Detailed written description of the lead hazard reduction activity including the methods used.			
10. Locations of exterior surfaces, interior rooms, common areas and/or components where the hazard reduction activity occurred.			
11. Any suggested monitoring requirements.			
Evaluate the results of the report.			
12. Did the unit pass? If a clearance report shows that the lead levels found in the tested areas of the unit are lower than the HUD thresholds, then the unit passes. If yes, the review is completed. If no, additional clearance results are needed to complete this review.			

Other Notes:

Sample Clearance Report

The following report is a sample clearance report from a small rehabilitation job (less than $5,000) that involved window replacements in the small bedroom and kitchen of a single-family home that is available for rent. The clearance report covers clearance of the worksite.

Home Environmental Inspection Services, Inc.
345 Hammond Road
East Chicago, IN 12345
123-123-1235
345-789-5678 (fax)

Firm certification number: IN 78787

CLEARANCE REPORT

General Information

Date of inspection:	8/5/99
Clearance Inspector:	Joe Smith
Certification number:	IN 77777
Property address:	78 East Main St., Apt. A Hammond, IN 89898
Client name:	Sally Jones
Client address:	80 East Main St. Hammond, IN 89898
Laboratory:	Analysis Services, Inc.
Address:	990 45th St., Suite 500 Gary, IN 44444
Telephone number:	222-222-2222
NLLAP number:	IN 999999

Summary Clearance Results

Dust above Federal standards was found in the following areas:

Location	Surface	Φg lead/ft^2
Small bedroom	Side facing window (C-1)— windowsill	600
Small bedroom	Floor	200
Kitchen	Window above sink (A-1)-- windowsill	525

Signature: Joe Smith
Date: 8/12/99

Summary of Hazard Reduction Activities

Name of firm	ABC Renovations
Address of Firm	123 Main Street East Chicago, IN 12345
Supervisor	John Brown #1634
Supervisor certification number	1634
Start and completion date of hazard reduction or completion activity.	8/1/99 to 8/6/99

Description of Hazard Reduction Activities and Areas Addressed:

Location	Activity
Kitchen	Replaced A-1 widow
2nd Floor Small Bedroom	Replaced C-1 and C-2 windows

Monitoring Requirements:

None.

VISUAL EVALUATION RESULTS FORM

Date of clearance:	8/5/99
Clearance Technician:	Joe Smith
Client:	Sally Jones
Property address:	78 East Main St., Apt. A Hammond, IN 89898

Location of Defects in the Work Area

Work Area	Deteriorated Paint	Debris	Visible Dust	Notes	Pass/ Fail
Small bedroom					Pass
Kitchen					Pass
First floor hallway					Pass
Staircase					Pass
Second floor hallway					Pass

DUST SAMPLING RESULTS FORM

Date of clearance:	8/5/99
Clearance Technician:	Joe Smith
Client:	Sally Jones
Property address:	78 East Main St., Apt. A Hammond, IN 89898

Sample #	Location	Surface	Dimensions of sample area	µg Lead/ft^2	Pass/Fail
1-2	Upstairs small bedroom	Front facing window (C-2)-windowsill	4″ x 18″	17	Pass
1-3	Upstairs small bedroom	Floor under C-1 window	12″ x 12″	200	Fail
1-4	Upstairs small bedroom	Side facing window (C-1)-windowsill	4″ x 18″	600	Fail
2-1	Second floor	Floor	12″ x 12″	35	Pass
3-1	Staircase	Floor	12″ x 12″	30	Pass
4-1	Kitchen	Floor under A-1 window	12″ x 12″	12	Pass
4-2	Kitchen	Window above sink (A-1)-windowsill	4″ x 18″	525	Fail
5-1	First floor	Floor	12″ x 12″	30	Pass

Understanding Your Report

1. The Summary Results section lists all of the areas that failed the clearance examination. The entire area represented by the sample needs to be re-cleaned and then re-tested to see if the cleaning removed the contaminated dust. Deteriorated painted surfaces should be repaired using interim controls or abatement techniques.

   For written information on how to address lead hazards, call the National Lead Information Center Clearinghouse at 1-800-424-Lead (1-800-424-5323). You may consider hiring a risk assessor to evaluate lead hazards in your home and recommend a lead hazard control plan. Risk assessors can be located through the Leadlisting at 1-888-Leadlist (1-888-532-3547).
2. The laboratory result forms attached to the report list all of the areas sampled inside and outside the dwelling and the laboratory analysis results for each sample.
3. The results dust wipe samples will be presented in micrograms per square foot ($\Phi g/ft^2$); soil samples will be presented in micrograms per gram ($\Phi g/g$).
4. Areas that failed the clearance examination showed lead levels in dust at or above Federal or state standards. The standards that were used for during this clearance examination are:

HUD Standards for Lead in Dust

Floors: 40 $\mu g/ft^2$
Interior window sill (stool): 250 $\mu g/ft^2$
Window trough: 400 $\mu g/ft^2$

Sample Notice of Lead Hazard Reduction

Property Address:_____ Today's Date:_____

Summary of the Hazard Reduction Activity:

Start Date:_____ Completion Date:_____

Location and type of activity. (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

_____

_____

_____

_____

Date(s) of clearance testing:_____

Summary of results of clearance testing:

(a) _____ No clearance testing was performed.

(b) _____ Clearance testing showed clearance was achieved.

(c) _____ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows).

_____

_____

Person who prepared this summary notice

Printed Name:_____ Signature:_____

Title:_____ Organization:_____

Address:_____

Phone:_____ Fax:_____

Owner:_____ Date:_____
(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact _____ at _____.

Ongoing Monitoring and Maintenance Certification

I, _____(*owner*) of _____ (*address of property*)

certify that proper maintenance activities for properties that contained or were presumed to contain Lead-Based Paint were conducted during the period of _____to _____. (*dates*).

These maintenance activities included:

- Performed visual assessments by a trained individual for deteriorated paint, bare soil and lead hazard control failures of all lead-based paint in units annually and at unit turnover.
- Repaired all deteriorated paint above de minimis levels* using Safe Work Practices and achieved clearance.
- Repaired all encapsulated or enclosed areas that were damaged or failing using appropriate interim controls or abatement methods (if applicable).
- Requested in writing that occupants of units monitor lead-based paint surfaces and notify the owner of any new potential lead hazards. (For units that were newly leased during this monitoring period.)

*De minimis levels are defined as:

- 20 square feet on exterior surfaces;
- 2 square feet in any one interior room or space; or
- 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as windowsills, baseboards, and trim).

_____ _____

Owner Date

_____ _____

City of _____ Representative Date

Relocation Screening Sheet for Projects with Lead Hazard Reduction Activities

Property Address:_____ Owner:_____

Relocation for this project is: (check one)

_____ Required (All items listed in Section A will be performed and appropriate documents will be attached.)

_____Not required due to circumstances listed in Section B.

Note: If circumstances change, relocation may be required.

A. Relocation of occupants is required and the following activities will occur for occupant protection:

- Occupants will not be permitted to enter the worksite during hazard reduction activities.
- Occupants will be temporarily relocated to a lead-safe unit before and during hazard reduction activities for their protection.
- Dwelling unit and worksite will be secured against unauthorized entry.
- Occupants' belongings in a containment area will be relocated to a secure area outside the containment area or covered with appropriate materials.

B. Relocation of occupants is not required due to the following circumstances:

- Work will not disturb lead-based paint, or involve any lead dust hazard reduction activities.
- Work in the interior of the unit will be completed within one period in eight daytime hours, the site will be contained, and the work will not create other safety, health, or environmental hazards.
- Only the building's exterior will be treated; the windows, doors, ventilation intakes, and other openings near the worksite will be sealed during hazard reduction activities and cleaned afterward; and a lead-free entry will be provided.
- Treatment will be completed within five calendar days; the work area will be sealed; at the end of each day, the area within 10 feet of the containment area will be cleared of debris and cleaned; at the end of each day, occupants will have safe access to sleeping areas, bathroom, and kitchen facilities; and treatment will not create other safety, health, or environmental hazards.
- Occupants are elderly and have signed an Elderly Waiver for Relocation (attached).

_____	_____	_____	_____
Owner Signature	Date	City of _____ Representative	Date

Abatement Report Review Worksheet

The use of this form is optional. It can at the completion of an abatement job to document that clearance was achieved and the abatement report is complete.

Property Address:_____ Date:_____

Name of Reviewer:_____ Title:_____

Question	Yes	No	Notes
The abatement report must include the following information from the clearance examiner.			
1. Property address and specific unit or common areas identified.			
2. Name, address, signature and certification number of each person involved in the clearance examinations.			
3. Name and identification number of each laboratory conducting an analysis.			
4. Dates of clearance examination.			
5. Clearance testing results and all soil analyses (if applicable).			
The abatement report must also include information on abatement (Items 6-12). The jurisdiction may have to add this information to the report themselves or request it from the abatement contractor if it is not provided by the clearance examiner.			
6. Name and address of each firm and supervisor involved in the abatement project.			
7. Occupant protection plan.			
8. Start and completion dates of abatement.			
9. Detailed written description of the abatement activity including the methods used.			
10. Reasons for abatement method used for each component.			
11. Locations of exterior surfaces, interior rooms, common areas and/or components where the abatement occurred.			
12. Any suggested monitoring requirements.			
Evaluate the results of the report.			
13. Did the unit pass? If a clearance report shows that the lead levels found in the tested areas of the unit are lower than the Federal clearance thresholds, then the unit passes. If yes, the review is completed. If no, additional clearance results are needed to complete this review.			

Other Notes:

RE-OCCUPANCY AUTHORIZATION

To: _____ (resident)

Re: _____ (property address)

Your house successfully passed a clearance examination on _____ (date).

Therefore, you are hereby authorized to re-enter the site as of _____p.m. on _____ (date).

Signed _____

Date _____

OUR PROGRAM
STREET ADDRESS
CITY, STATE, ZIP
PHONE

REHABILITATION JOB FILE INDEX

	STUDENT MANUAL FORM #	DATE REQUESTED	DATE COMPLETED	INITIALS
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Owner's Manual	8			
Loan Application Packet				
Request for Code Inspection				
EPA Pamphlet	1			
Owner/Agency Agreements				
- *Owner's Service Agreement*	9			
- Agreement b/n Owner & Agency				
SPECIFICATION & FEASIBILITY				
Initial Work Write-up				
Environmental Field Notes Checklist				
Historic Assessment				
Lead Safe Housing Requirements Screening Worksheet and Rehab Addendum	5 and 6			
Risk Assessment Report				
Specs by Location/Trade				
Final Work Write-up				
*Lead Hazard Evaluation Notice **OR***	10			
Lead Hazard Presumption Notice	11			
Relocation Screening Sheet	25			
BIDDING AND CONTRACTS				
Invitation to Bid				
No Bid Intention Received				
Pre-Bid Inspection (optional)				
Addenda to Work Write-Up				
Bid Comparison Results				
Certification of Bid/Proposal				
Subcontractor & Supplier Listing				
Owner's Selection Worksheet				
Relocation Agreement (optional)	30			
Elderly Waiver for Relocation (if applicable)	13			
Construction Loan Escrow Agreement				
Construction Loan Contingency Escrow Agreement				

JOB FILE INDEX

	STUDENT MANUAL FORM #	DATE REQUESTED	DATE COMPLETED	INITIALS
Pre-construction Conference Checklist	15			
Contractor/Employee Certification of Worker Training	16			
Owner/Contractor Agreement				
Rehab Contract Addendum for Lead Hazard Reduction Work	18			
Rehab Job Schedule				
CONSTRUCTION MONITORING				
Notice to Proceed				
Progress Meeting Checklist				
Request for Payment - 1				
Request for Payment - 2				
Request for Payment - 3				
Request for Payment - 4				
Request for Payment - 5				
Waiver of Lien to Date and Contractor's Affidavit				
Sworn Statement				
Waiver of Lien to Date and Subcontractor's Affidavit (optional)				
Partial Release of Liens				
Field Proposal				
Change Order - 1				
Change Order - 2				
Change Order - 3				
Final Payment Checklist				
Contractor's Pre-Inspection Punch List				
Final Inspection Checklist				
Clearance Inspection Report				
Clearance Report Review Worksheet	21			
Re-occupancy Authorization	27			
Owner's Punch List				
Certificate of Completion and Homeowner's Final Approval of Work				
Application for Final Payment & Release of Liens & Warranty				
Post-Construction Safe Work Certification	19			
Protection of Occupants' Belongings	20			
Certification of Relocation Activities	31			
Final Release of Liens				

JOB FILE INDEX

	STUDENT MANUAL FORM #	DATE REQUESTED	DATE COMPLETED	INITIALS
Notice of Lead Hazard Reduction	23			
Payment Release Directive				
General Warranty				
Roof Warranty				
WARRANTY & EVALUATION				
Homeowner's Evaluation of Job				
Contractor Evaluation by Rehab Spec				
Homeowner Evaluation of Contractor				
Project Evaluation by Rehab Staff				
Warranty Inspection Checklist				
Warranty Punch List				

INVITATION FOR BID FOR CONTRACTORS
SAMPLE DOCUMENT

Bid No: _____

Name of Bidding Firm _____

Address:_____City:_____State:_____Zip:_____
Phone:_____Fax:_____

Bid Opening Time and Date: _____
Voluntary PreBid Meeting: _____
Bid Deposit/Bid Bond: _____
Performance Bond: _____
Prevailing Wages Required: _____

Please Mark the Return Sealed Envelope:
1. [Bid Opening Date and Time]
2. [Title of Job]
3. [Bid Number]

Return Bids To: _____
_____
_____

Bid Submitted by Facsimile or E-Mail Will Not Be Accepted

Bid Results:
Bid results may be obtained by telephone at_____ ; or fax at
_____

LEAD HAZARD REDUCTION GENERAL

Contractor is responsible for complying with all state, federal, and local laws, regulations and guidelines per Title X requirements. Contractor is responsible for inspecting all existing conditions prior to bidding in order to eliminate or reduce the need for change orders. Contractor is responsible for all measurements and ordering of materials. All work should comply with manufacturer's recommendations, accepted carpentry standards, and local requirements.

Bid specifications are incorporated herein by reference and attached as Exhibit A.

REQUIRED SUBMITTALS

Prior to the Preconstruction Conference, the Contractor shall be required to provide the following submittals:

1. Copies of individual approved lead training certifications for workers and supervisors (Both EPA required training and OSHA required training)
2. Copies of the State Lead Hazard Remediation Program Registration for individuals and company
3. Copy of the written Occupant Protection Plan as required by 40 CFR Pt. 745
4. Employee medical surveillance information
5. List of subcontractors
6. Site specific General Liability and Lead Liability insurance certificates with the property owners listed as the certificate holder and the Agency/City named as Additionally Insured
7. Worker's Compensation insurance certificate
8. 100% Labor and Materials Payment Bond and Performance Bond (may be waived dependent on size of project)
9. Any applicable permits (including construction permits for window/door replacements, licenses, etc.)

10. Any product data for materials or equipment to be used on the project
11. Copy of valid Builder's License

At the completion of construction, the Contractor shall be required to provide the following information:

1. The original and ___ copies of a ¼" to 1 ft. scale floor plan sketch using standard architectural symbols identifying all lead painted areas and components encapsulated or enclosed during this intervention.

ATTACHMENTS

- Attachment A: Bid Specifications
- Attachment B: Lead Hazard Reduction Specific Requirements

(These can be taken from Articles II through X in the Contract Addendum provided as Form 18)

OUR PROGRAM
STREET ADDRESS
CITY, STATE, ZIP
PHONE

SAMPLE RELOCATION AGREEMENT (OPTIONAL)

Because lead hazard reduction work in older homes can generate lead-contaminated dust that could be dangerous to occupants, particularly young children, it will be necessary to temporarily relocate your family during this phase of the rehabilitation and renovation work. To help reduce the financial and emotional burden of temporary relocation, this agency provides some funding to offset the cost of packing and storing personal belongings and furnishings, moving to and from the home when work is complete and, in cases where the family has no alternative housing, temporary "lead-safe" housing.

The following worksheet identifies potential benefits you receive if you and your belongings must be temporarily relocated during lead hazard control work. While these benefits may not fully cover all expenses, they represent a major contribution towards the financial burden of relocation.

Packing Supplies Allowance
_____ rooms @ $__/room $_____

Storage of Furniture $_____
_____ ft x _____ ft
_____ (name of storage facility)
_____ (street address of facility)
_____ (city, state, zip of facility)
_____ (phone number of facility)

Moving Service/Company Allowance
_____ rooms @ $____/room $_____

Temporary Lead-Safe Housing
_____ days @ $___/day $_____

Miscellaneous Costs $_____

Total Relocation Benefit **$**_____

AGREED TO BY: _____ **DATE:** _____
(Owner/Occupant)

Appendix B:
Forms 31-40

Relocation for Projects with Lead Hazard Reduction Activities

Property Address:_____ Owner:_____

Relocation for this project was: (check one)

_____ Required (All items listed in Section A were performed and appropriate documents are attached.)

_____Not required due to circumstances listed in Section B.

A. Relocation of occupants was required and the following activities occurred for occupant protection:

- Occupants were not permitted to enter the worksite during hazard reduction activities.
- Occupants were temporarily relocated before and during hazard reduction activities for their protection.
- Dwelling unit and worksite were secured against unauthorized entry.
- Occupants' belongings in a containment area were relocated to a secure area outside the containment area or covered with appropriate materials.

B. Relocation of occupants was not required due to the following circumstances:

- Work did not disturb lead-based paint, or involve any lead dust hazard reduction activities.
- Work in the interior of the unit was completed within one period in eight daytime hours, the site was contained, and the work did not create other safety, health, or environmental hazards.
- Only the building's exterior was treated; the windows, doors, ventilation intakes, and other openings near the worksite were sealed during hazard reduction activities and cleaned afterward; and a lead-free entry was provided.
- Treatment was completed within five calendar days; the work area sealed; at the end of each day, the area within 10 feet of the containment area was cleared of debris and cleaned; at the end of each day, occupants had safe access to sleeping areas, bathroom, and kitchen facilities; and treatment did not create other safety, health, or environmental hazards.
- HUD has advised that the relocation of elderly occupants is not typically required, so long as complete disclosure of the nature of the work is provided and informed consent of the elderly occupant(s) is obtained before commencement of the work. (See "Interpretive Guidance—The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold," 6/22/00 edition.)

_____	_____	_____	_____
Contractor Signature	Date	City of _____ Representative	Date

SAMPLE REHAB STANDARDS FOR SINGLE-FAMILY STRUCTURES

(Incorporates changes to implement HUD's Lead-Based Paint Regulation)

I. INTRODUCTION

A. MISSION AND HOUSING VALUES

Our Program's mission is "to eliminate neighborhood blight through renovation and demolition while providing lower income families with safe, secure and affordable homes."

The values that flow from this mission for this program are as follows:

- Performance and durability;
- Historically sensitive exteriors;
- Economic life cycle costs;
- Affordable operating costs;
- Balanced initial costs; and
- Lead-Safe Housing.

B. APPLICABLE LAWS AND REGULATIONS

Our Program intends to construct and maintain homes in full compliance with the following statutory and regulatory requirements:

- Building Code: BOCA existing structures code 1994 edition
- Housing Code: The local housing code.
- Federal Housing Code: Housing Quality Standards.
- Life Safety Code: Life Safety Code
- HUD Lead-Based Paint Regulation (24 CFR Part 35)

Our Program shall seek guidance and strive to conform to the following codes if financial resources are available for a specific project:

- Energy: Model Energy Code.
- Accessibility: ANSI standards for handicapped accessibility.
- HAZMAT: HUD) Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.
- Building Code: International Building Code 1-4 Unit Dwelling Code
- Exceptions: On a case-by-case basis deviations from the minimum requirements of this standard will be permitted with approval of the appropriate local agency.

II. SITE IMPROVEMENTS

SOIL TREATMENTS FOR LEAD HAZARDS

- Repair Standard: Interim standards – 1 year – will require monitoring to ensure continued effective control methods. Replacement – 20 years.
- Play Areas: Bare soil play areas frequented by children under the age of six years shall be tested for lead content. Any bare soil over 400 □g/g of lead in lead shall be covered with a reinforced landscape cloth and impermanent surface covering e.g. gravel, bark, sod, or artificial turf containing not more than 200 □g/g of lead. Loose impermanent covering such as bark or gravel shall be applied in a thickness of not less than 6 inches.
- Other Bare Soil: Bare soil outside of play areas shall be tested for lead content. Bare soil over 2000 □g/g of lead in lead and totaling more than 9 square feet per property shall be covered with a reinforced landscape cloth or other impermanent surface covering containing not more than 200 □g/g of lead, an interim control measure which prevents children's access to the bare soil. Soil lead levels above 5000 □g/g of lead require abatement.

TREES

- Repair Standard: Minimum Life: NA

  Trees that are too close to the structure or threaten the structure shall be trimmed or removed.
- Replacement Standard: NA

LANDSCAPING

- No landscaping is permitted.

OUTBUILDINGS

- Repair Standard: Minimum Life: 1 year

  Unsafe and blighted structures, including outbuildings, sheds, garages and barns, will be removed if it is not financially feasible to complete the repairs required to make them structurally sound and leak free with lead hazards stabilized.
- Replacement Standard: NA

No replacement of outbuildings is allowed.

PAVING AND WALKS

- Repair Standard: Minimum Life: 5 years

  Badly deteriorated, essential paving, such as front sidewalks, will be repaired to match. Non-essential deteriorated paving such as sidewalks that are unnecessary,

will be removed and appropriately landscaped.

- Replacement Standard:

  Essential walks and drives shall be replaced with concrete.

III. EXTERIOR SURFACES

EXTERIOR LEAD HAZARDS

- Repair Standard:

  All exterior paint shall be stabilized using lead-safe practices

- Replacement Standard:

  Leaded components shall be replaced or the paint removed to create a lead-free exterior.

EXTERIOR STEPS AND DECKS

- Repair Standard: Minimum Life: 5 years

  Steps, stairways, and porch decks will be structurally sound, reasonably level, with smooth and even surfaces.

- Replacement Standard: 20 years

  New steps and stairways shall be constructed of preservative treated lumber in conformance with the CAB code. Porch decks shall be replaced with tongue and groove pine.

EXTERIOR RAILINGS

- Repair Standard: Minimum Life: 5 Years

  Handrails will be present on one side of all interior and exterior steps or stairways with more than two risers, and around porches or platforms over 30" above ground level. Railing repairs will be historically sensitive.

- Replacement Standard: Minimum Life: 10 Years
- Railings shall be wrought iron or preservative treated lumber.

EXTERIOR CLADDING

- Repair Standard: Minimum Life: 10 Years

  Siding and trim will be intact and weatherproof. All exterior wood components will have a minimum of two continuous coats of paint, and no exterior painted surface will have any deteriorated paint.

- Replacement Standard: Minimum Life: 20 Years

  Historically sensitive vinyl siding over house wrap.

EXTERIOR PORCHES

- Repair Standard: Minimum Life: 10 Years

  Unsafe or unsightly porches will be repaired to conform closely to historically accurate porches in the neighborhood.

  Porch repairs will be structurally sound, with smooth and even decking surfaces.

- Replacement Standard: Minimum Life: 10 Years

  Deteriorated porches shall be rebuilt with preservative treated structural lumber and tongue and groove pine decks.

EXTERIOR HARDWARE

- Repair Standard: NA Minimum Life: 10 Years
- Replacement Standard: Every dwelling unit will have a mailbox, or mail slot, and minimum 3" high address numbers at the front door.

IV. FOUNDATIONS AND STRUCTURE

FOUNDATIONS

- Repair Standard: Minimum Life: 20±Years

  Foundations will be sound, reasonably level, and free from movement.

- Replacement Standard: NA

STRUCTURAL WALLS

- Repair Standard: Minimum Life: 15 Years

  Structural framing and masonry shall be free from visible deterioration. rot, or serious termite damage. be adequately size for current loads. Prior to rehab, all sagging floor joists or rafters will be visually inspected. and significant structural damage and its cause will be corrected.

- Replacement Standard: NA

FIREWALLS

- Repair Standard: Minimum Life: 5 Years

  Party walls shall be maintained without cracks and plaster deterioration and covered with 5/8" type X gypsum, glued and screwed to studs.

- Replacement Standard Minimum Life: 10 Years

  When frame walls and floors adjoining other dwellings are gutted, new wall finish installations will conform to local requirements for fire ratings.

V. WINDOWS AND DOORS

EXTERIOR DOORS

- Repair Standard: Minimum Life: 10 Years

  Doors shall be solid, weather stripped, operate smoothly, and include a peep site, a dead bolt, and an entrance lock set.

- Replacement Standard: Minimum Life: 10 Years

  All replacement doors at the front of the property will be historically sensitive. Steel six- panel doors may be installed at entrances not visible from the front street. Dead-bolt locks will be installed on all doors.

WINDOWS

- Repair Standard: Minimum Life: 10 Years

  All single glazed windows shall be covered by a storm sash in which the meeting rail matches up with the prime window. Operable windows shall have a locking device and mechanism to remain partially open.

  Dilapidated lead-containing windows should be replaced whenever the budget allows.

- Replacement Standard: Double-glazed, double or single hung. PVC, low E, one over one, with historically sensitive snap-in grids and a minimum R-value 2.

WINDOW REPLACEMENT

- Repair Standard: NA
- Replacement Standard: Minimum Life: 20 Years

  Bedrooms, kitchens and baths shall have one operable window with a screen.

INTERIOR DOORS/PLACEMENT

- Repair Standard: Minimum Life: 10 Years

  All bedrooms, baths and closets shall have well-operating doors.

- Replacement Standard: Minimum Life: 10 Years

  Hollow core, pressed wood product with brass plated bedroom lockset.

VI. ROOFING

PITCHED ROOFS

- Repair Standard: Minimum Life: 10 Years

  Missing and leaking shingles and flashing shall be repaired on otherwise functional roofs. Slate roofs shall be repaired when at all possible. Antennae shall be removed.

- Replacement Standard: Minimum Life: 25 Years

  Fiberglass asphalt, three-tab, class A shingles, weighing at least 200 and up to 240 lbs. with a pro-rated 25 year warranty with continuous ridge vent.

FLAT AND LOW SLOPE ROOFING

- Repair Standard: Minimum Life: 10 Years

  Built-up roofing. flashing and accessories shall be repaired wherever a 5-year leak free warranty is available from a certified roofing company.

- Replacement Standard: Minimum Life: 20 Years

  Fully adhered EPDM over 1/2" insulation board.

VII. INSULATION AND VENTILATION

INSULATION

- Repair Standard: NA
- Replacement Standard: Minimum Life: 15 Years

  Attic areas and crawl space will be insulated. The goal for attic insulation is R38, and for crawl spaces R 19. Frame walls will be insulated if the wall finish is removed. Plastic vapor barriers will be placed over bare soil in crawl spaces.

ATTIC VENTILATION

- Repair Standard: NA
- Replacement Standard: Minimum life: 20 Years

  Attics will be ventilated with a minimum of 1 square foot of free vent for each 300 square feet of roof area.

KITCHEN VENTILATION

- Repair Standard: NA
- Replacement Standard: Minimum Life: 5 Years

  Range hoods or exhaust fans shall be exterior ducted.

BATH VENTILATION

- Repair Standard: NA
- Replacement Standard: Minimum Life: 5 Years

  Exterior ducted 70 CFM. 20 somes with separate switch in all full baths.

VIII. INTERIOR STANDARDS

LEAD-CONTAINING COMPONENTS

- Repair Standard: Deteriorated lead-based paint on walls, trim, doors, and cabinets must be stabilized using lead-safe work practices. As an alternative, a liquid encapsulant can be applied on such components when the surface is deemed suitable for such coatings.
- Replacement Standard: At the owner's request, when funding is sufficient, lead-containing walls, trim, doors and cabinets identified during a lead-paint inspection can be replaced or enclosed as appropriate.

FLOORING

- Repair Standard: Minimum Life: 3 Years

  Bathroom and kitchen floors shall be rendered smooth and cleanable using polyurethane or by being covered with water-resistant vinyl flooring or smooth and cleanable. Damaged wood floors will be repaired. Basement floors shall be continuous concrete.
- Replacement Standard: Minimum Life: 6 Years

  Baths shall receive vinyl sheet goods over plywood underlayment. Kitchens shall be vinyl composition tile over plywood underlayment. New basement slabs shall be at least 3" thick and a 6-mil vapor barrier.

CLOSETS

- Repair Standard: Minimum Life: 5 Years

  All bedrooms shall have closets with a door, clothes rod, and shelf.
- Replacement Standard: Minimum Life: 15 Years

  All bedrooms shall have 4' long by 2' wide closets with bi-fold door and wire shelf.

INTERIOR WALLS AND CEILINGS

- Repair Standard: Minimum Life: 5 Years

  All holes and cracks shall be repaired to create a continuous surface and any deteriorated paint should be stabilized using lead-safe measures.
- Replacement Standard: Minimum Life: 10 Years

  Walls shall be plumb, ceiling level with a smooth finish on at least 1/2" gypsum.
- Additional Reference: American Gypsum Association

HAZARDOUS MATERIALS

- Repair Standard: Minimum Life: NA

  Asbestos and lead paint hazards, when identified, shall be addressed in conformance with applicable local, state, and federal laws. Rehabilitated properties shall be cleaned to pass a lead dust clearance test to the levels prescribed by HUD regulations.

IX. ELECTRIC

SERVICE

- Repair Standard: Minimum Life: 10 Years

  Main distribution panels shall have a main disconnect, at least 7 circuits. a 100 amp minimum capacity and be adequate to safely supply power to all existing and proposed electrical devices.

- Replacement Standard: Minimum Life: 15 Y ears

  150 amp, main disconnect panel with at least 16 circuit breaker positions.

EXTERIOR ELECTRIC

- Repair Standard: Minimum Life: 7 Years

  All entrances will be well lighted and either switched at the interior side of the door, or the light will be controlled by a photoelectric cell. Motion actuated security lighting will be installed at the rear and sides of properties where it will increase safety. All dwelling units will have at least one exterior, GFCI protected, electrical receptacle.

- Replacement Standard: NA

INTERIOR ELECTRIC DISTRIBUTION

- Repair Standard: Minimum Life: 7 Years

  Exposed knob and tube shall be replaced. Every room will have a minimum of two duplex receptacles, placed on separate walls and one light fixture or receptacle switched at each room entrance. Where the source wiring circuit is accessible (i.e. first floor above basements, in gutted rooms, etc.), receptacles will be grounded. All switch, receptacle. and junction boxes shall have appropriate cover plates. Wiring shall be free from hazard and all circuits shall be properly protected at the pane. Floor receptacles shall be removed and a metal cover plate installed.

- Replacement Standard: Minimum Life: 15 Years

  When a room's wall finishes are removed it shall be rewired to the latest version of the National Electric Code.

GROUND FAULT CIRCUITS

- Repair Standard: NA Minimum Life: 5 Years
- Replacement Standard: Basement and kitchen receptacles within 6 feet of a sink, all bath receptacles and at least one exterior receptacle shall be protected by a GFCI.

KITCHEN ELECTRIC DISTRIBUTION

- Repair Standard: NA Minimum Life: 7 years
- Replacement Standard: Permanently installed stoves, refrigerators, freezers, dishwashers and disposals, washers and dryers shall have separate circuits sized to NEC. Two separate 20-amp counter circuits are required with each kitchen area.

STAIRWELL LIGHTING

- Repair Standard: NA Minimum Life: 7 Years
- Replacement Standard: All common halls and stairways between living space must be well lighted with a fixture controlled by 3 way switches at both ends of the hall or stairway.

ALARMS

- Repair Standard: NA Minimum Life: NA
- Replacement Standard: Minimum Life: 5 Years

  Directly wired fire and smoke detectors shall be installed on all sleeping floors.

X. PLUMBING SYSTEM

WATER SUPPLY

- Repair Standard: Minimum Life: 5 Years

  All fixtures must be: supplied with 3-gallons/minute water flow.
- Replacement Standard: Minimum Life: 20 Years

  All inoperable or leaky main shut off valves shall be replaced. Lead pipe and exposed galvanized pipe shall be replaced with copper pipe.

DRAIN, WASTE, VENT LINES

- Repair Standard: Minimum Life: 15 Years

  Waste and vent lines must function without losing the trap seal.
- Replacement Standard: Minimum Life: 20 Years

  PVC replacement lines shall be installed in accordance with the most recently

approved version of the mechanical code.

PLUMBING MINIMUM EQUIPMENT

- Repair Standard: Minimum Life: 7 Years

  Every dwelling unit shall have a minimum of one single bowl sink with hot and cold running water in the kitchen and at least one bathroom containing a vanity with a sink, and a shower/tub unit, both with hot and cold running water, and a toilet.

- Replacement Standard: Minimum Life: 20 Years
- Additional References: Local housing code.

PLUMBING FIXTURES

- Repair Standard: Minimum Life: 7 Years

  All fixtures and faucets shall have all working components replaced.

- Replacement Standard: Minimum Life: 20 Years

  Single lever, metal faucets and shower diverters with 15-year drip-free warranty. Ceramic toilets, double bowl stainless steel sinks, fiberglass tub surrounds and steel enameled 5' tubs.

WATER HEATERS

- Repair Standard: Minimum Life: 5 Years

  Each dwelling unit shall have a gas-fired water heater. The minimum capacity for units with two bedrooms or less shall be 30 gallons; larger units shall have a minimum capacity of 40 gallons. Insulation jackets shall be present unless the installation poses a safer concern. Water heaters shall have pressure relief valves with drip legs that extend to within one foot of the floor. Expansion tanks will be included with the installation of new water heaters.

- Replacement Standard: Minimum Life: 8 Years

  High efficiency, pilot-less, gas-fired water heaters with at least R-7 insulation and an 8-year replacement warranty.

XI. HVAC

HEATING PLANT

- Repair Standard: Minimum Life: 10 Years

  Inoperative, hazardous or inefficient (less than 60% AFUE) heating plants shall be repaired and altered to perform at least 75% efficiency. Setback thermostats are required.

- Replacement Standard: Minimum Life: 20 Years

Gas- and oil-fired plants shall be rated at 85% AFUE or better. Heat pumps shall be rated at 12 SEER or better. Setback thermostats are required.

DISTRIBUTION SYSTEM

- Repair Standard: Minimum Life: 10 Years

  Duct work and radiator piping shall be well supported, insulated in unconditioned space and adequate to maintain 70oF measured 36" off the floor when the outside temperature is -50F, (the average yearly minimum) in all habitable and essential rooms.

- Replacement Standard: Minimum Life: 20 Years

  All ductwork shall be insulated to R-4, seams sealed and run in concealed space.

CHIMNEY REPAIR

- Repair Standard: Mini mum Life: 15 Years

  Unsound chimneys shall be repaired or removed. When chimneys are to be used to combustion ventilation, they shall be relined.

- Replacement Standard: Minimum Life: 20 Years

  Fireplace flues may not be reconstructed in this program. Replacement furnace flues shall be metal double- or triple-walled recommended by the furnace manufacturer.

AIR CONDITIONING

- Repair Standard: Minimum Life: 3 Years

  Air conditioning is beyond the scope of this program except in cases of documented medical need for cooling and/or preventative filtration.

The following parties agree that these standards meet all applicable local and state ordinances and laws, and provide adequate protection against health and safety hazards.

Housing Code Office: _____

Health Department : _____

Plumbing Inspection Dept: _____

Dept. of Community & Economic Development: _____

Community Organization: _____

Our Program: _____

TO TEST OR NOT TO TEST?

GUIDANCE ON PRESUMING OR EVALUATING

When deciding whether to presume the presence of lead-based paint and/or hazards consider two factors:

1. The probability that lead-based paint is present
2. The cost of treating lead hazards

These factors are described below.

The probability of lead-based paint. When considering the probability that lead-based paint is present, consider the following:

- Older buildings, especially those built before 1950, are more likely to have lead-based paint than newer buildings.
- Properties in poor condition are likely to have lead hazards than properties that are well maintained.
- You may be able to obtain information about lead-based paint locally. Contact your local health department and local risk assessors and ask them what they have learned about the presence of lead-based paint in specific neighborhoods, in particular kinds of homes. They may even be able to provide data on the probability of lead paint on specific components or in specific rooms (e.g. kitchens, bathrooms, exteriors, painted floors and interior trim).
- Conduct testing and track the data to develop your own profile of local housing.

The cost of treating lead hazards. Consider the cost of performing paint testing or a risk assessment vs. the cost of performing lead hazard controls that may not be necessary. The following are some guidelines on costs.

- For a very small job, such as repainting one room or re-hanging a door, it may cost little to use safe work practices and a lot more for an evaluation.
- For a large job, there could be significant costs to performing standard treatments on surfaces that don't contain lead-based paint. In such cases, a risk assessment is likely to save money.
- It is unwise to assume on abatement jobs.

Guidance on Relocation

The Lead Safe Housing Rule includes requirements for occupant protection during lead hazard reduction activities. These occupant protection measures often require that a resident leave the unit while work is being performed. Relocation to a temporary unit may be required.

The following are some frequently asked questions about relocation.

1. When is relocation required?

- Residents must be kept out of the work area during lead hazard reduction work and cannot return to the work area until it has passed clearance.
- If the residents cannot enter important parts of their home (e.g. bathrooms, kitchens) for more than a day, they need to be relocated temporarily.

2. When is relocation not required?

- The lead safe housing rule lists several situations that do not require relocation. These include the following situations:
  - Work will not disturb lead-based paint, dust lead hazards, or soil lead hazards.
  - Work on the interior of the unit will be completed within one period in eight daytime hours, the site will be contained, and the work will not create other safety, health, or environmental hazards.
  - Only the building's exterior is treated; the windows, doors, ventilation intakes, and other openings near the worksite are sealed during hazard reduction activities and cleaned afterward; and a lead-free entry is provided.
  - Treatment will be completed within five calendar days; the work area is sealed; at the end of each day, the area within 10 feet of the containment area is cleared of debris and cleaned; at the end of each day, occupants have safe access to sleeping areas, bathroom, and kitchen facilities; and treatment does not create other safety, health, or environmental hazards.
- HUD has advised that the relocation of elderly occupants is not typically required, so long as complete disclosure of the nature of the work is provided and informed consent of the elderly occupant(s) is obtained before commencement of the work. (See Form 13 in this manual for a sample form to be filled out by an elderly occupant.)

3. What constitutes an appropriate relocation unit?

- The Lead Safe Housing Rule requires that the relocation unit be lead-safe. The Interpretive Guidance provides two ways to demonstrate the lead-safety of a unit:
  - Use post-1978 units
  - Perform a clearance examination in the unit to ensure that there is no deteriorated paint or dust hazards

4. Does relocation for lead hazard reduction trigger the Uniform Relocation Act (URA)?

- The URA is triggered if tenants are not treated reasonably during temporary relocation.
- For tenants, this means that the agency must pay the out-of-pocket costs incurred by tenants during temporary relocation, such as the rent charged for the temporary unit above their costs for their existing unit, costs to move back and forth from the temporary unit, storage costs for personal belongings, and utility hookups at the temporary unit. In addition reasonable advance notice must be

provided to the tenant before the tenant is required to move into or out of the temporary unit. Further, the unit they move into must be suitable for their needs. (For more information on URA, consult HUD Handbook 1378.)

- Work in owner-occupied housing does not trigger the URA. However, agencies may choose to adopt optional policies that define "hardship" situations for homeowners and pay certain costs related to the temporary relocation, such as a per-day maximum for costs actually incurred for housing and meals. Form 30 (in this manual) provides an example of the kinds of costs that can be reimbursed. Any such policy must be written and must be applied consistently.

5. What should a relocation policy cover?

- Grantees and their subrecipients are encouraged to develop written relocation policies. Such policies serve as a useful guide to staff and program participants and help ensure that all program participants are treated consistently.
- The policy should cover:
  - When relocation is required under the program and how long temporary relocation will typically last
  - How much notice will be provided to move and return
  - What constitutes an appropriate relocation unit
  - Whose responsibility it is to identify a temporary unit
  - How much – if any – will be allowed for a meal allowance per person if the temporary unit has no cooking facilities.
  - How payment will be disbursed
  - What relocation benefits are available to the resident during the relocation period

6. How can relocation costs be minimized?

- Minimize the relocation time.
  - Stage work to minimize the time the residents need to be out of the unit. When staging the work, keep in mind that:
    - ✓ The worksite must be properly contained and the resident may not enter that area ever during the course of the work.
    - ✓ Work areas must pass interim clearance before a resident can reoccupy them.
    - ✓ A final clearance is still required at the end of the job, even after interim clearances have been done.
  - Look for ways to streamline standard rehab procedures to ensure that jobs move more quickly.
  - Offer financial incentives to contractors to finish the work and pass clearance ahead of schedule.
- Minimize associated costs.
  - Negotiate favorable rates with motel or apartment owners for temporary relocation units.
  - Obtain competitive bids from moving or storage companies and identify a mover and storage company that will provide services at the most favorable rate. (However, costs should be based on actual expenses, not a per unit rate.)

SUMMARY OF TRAINING RESOURCES FOR LEAD-CERTIFIED PERSONNEL

The main web link for training courses and curriculum on the HUD's Office of Healthy Home and Lead Hazard Control web site is: **http://www.hud.gov/offices/lead/lbptraining.cfm**. This page is updated periodically to reflect new training courses and opportunities, as well as non-training resources such as model guides and announcements.

Personnel	Qualifications	Tasks Able To Perform	Course Name	# of Days	Course Description	For More Information
Lead Hazard Evaluation						
Risk Assessor	Must be certified* (and State-licensed** if required)	• Risk Assessment • Lead Paint Inspection • Clearance	Lead-Based Paint Risk Assessor Training	5	Risk Assessors must attend a 5-day course that consists of the Inspection course (3 days) and two extra days for risk assessment. This two-day course will train individuals who will be conducting risk assessments in private and public housing and large apartment complexes using the new EPA model risk assessment curriculum developed for the EPA jointly by Georgia Tech and the National Center for Lead-Safe Housing. Note: Students must take the inspection course before taking this course.	See www.leadlisting.org for a list of accredited training providers in your state.
Paint Inspector	Must be certified (and State-licensed if required)	• Lead Paint Inspection • Clearance	Lead-Based Paint Inspector Training	3	This course presents the EPA model lead inspection curriculum and supplements it with current findings from lead investigators and practical advice from experienced inspectors.	See www.leadlisting.org for a list of accredited training providers in your state.
Lead Sampling Technician (called a clearance technician in the HUD regulation)	Must be certified (and State-licensed if required)	• Clearance	EPA Sampling Technician Training Course	1	The U.S. Environmental Protection Agency (EPA) produced model curriculum to teach individuals how to conduct lead sampling in housing.	See http://www.hud.gov/lea/training/sampletech/samplingtech.html for course materials. See www.leadlisting.org for a list of accredited training providers in your state.

Personnel	Qualifications	Tasks Able To Perform	Course Name	# of Days	Course Description	For More Information
Lead Hazard Reduction						
Workers Qualified in Lead Safe Work Practices	Must be either: • Supervised by a certified Abatement Supervisor; OR • Trained in a HUD accepted course (see Chapter 3, p. 3-16, for listing) • Must be trained in accordance with OSHA Hazard Communication Standard.	• Interim Controls (including paint stabilization) • Standard Treatments • Maintenance	Lead-Based Paint Training Program For Remodelers And Renovators	1	This course is designed to teach lead-safe work practices for people doing remodeling, renovating and general rehabilitation workers such as dry wallers, painters and carpenters. It is HUD's adaptation of the U.S. EPA Renovation and Remodeling Course Student Manual	http://www.hud.gov/lea/training/rr/HUD_RR_COURSE.html
			Lead-Based Paint Maintenance Training: Work Smart, Work Wet, Work Clean to Work Lead-Safe	1	This course teaches lead-safe work procedures specifically for maintenance workers and supervisors working in multifamily properties that have or may contain lead-based paint.	This curriculum is not available on the web. It can be purchased by contacting the National Environmental Training Association (NETA) at 602-956-6099.
			Other Courses	1	See HUD Office of Healthy Homes website for a full listing.	www.hud.gov/offices/lead/lbptraining.cfm.
Abatement Supervisor	Must be certified (and State-licensed if required)	• Abatement • Interim Controls • Standard Treatments	EPA- or State-Approved Abatement Worker and Supervisor Courses	4	This course presents the Environmental Protection Agency (EPA) model abatement project supervisor curriculum and supplements it with a number of case studies of lead-based paint abatement projects in public and private housing. Course topics include: legal liabilities, current Federal regulations, effective employment training, estimating costs of abatement jobs, managing medical surveillance, and dust and air sampling. These courses are covered under EPA's 402/404 rules.	To identify an accredited training provider in your geographical area, contact the National Lead Information Center at 1-800-424-LEAD, or check www.leadlisting.org

Personnel	Qualifications	Tasks Able To Perform	Course Name	# of Days	Course Description	For More Information
Abatement Workers	Must be certified (and State-licensed if required)	• Abatement *(but must be supervised by an abatement supervisor who is on site or accessible at all times)* • Interim controls *(can be unsupervised)*	EPA- or State-Approved Abatement Worker and Supervisor Courses	3	This course presents the Environmental Protection Agency (EPA) model abatement project supervisor curriculum and supplements it with a number of case studies of lead-based paint abatement projects in public and private housing. Course topics include: legal liabilities, current Federal regulations, effective employment training, estimating costs of abatement jobs, managing medical surveillance, and dust and air sampling. These courses are covered under EPA's 402/404 rules.	To identify an accredited training provider in your geographical area, contact the National Lead Information Center at 1-800-424-LEAD, or check www.leadlisting.org
Other Discipines						
Visual Assessor	• Take HUD online course	• Visual assessments	HUD's Visual Assessment Course	1 hour	The Visual Assessment training will help housing professionals learn how to identify deteriorated paint (i.e., chipping, cracking, chalking, damaged, separated from substrate) and understand how deteriorated paint must be treated. It can be taken online.	www.hud.gov/lea/training/visualassessment/h00100.htm
Project Designer	Must be certified (and State-licensed if required)	• Abatement Planning				To identify an accredited training provider in your geographical area, contact the National Lead Info Center at 1-800-424-LEAD or check leadlisting.org

* Certification requires taking the appropriate EPA-recognized course and passing an examination.

** The licensing requirement varies by State.

FACT SHEET
Liability Insurance Summary

There are three types of liability insurance that individuals and firms involved in residential renovation, remodeling and painting should consider when evaluating their insurance needs:

- Commercial General Liability (CGL);
- Professional liability errors and omissions (E&O); and
- Pollution liability.

In addition, there are two coverage "triggers" in liability insurance policies:

- Occurrence-based; and
- Claims-made.

This document discusses the types of insurance and policy coverage triggers, and then provides a list of questions to consider when deciding what type of insurance to purchase.

Types of Insurance

Commercial General Liability Insurance. CGL policies are typically carried by contractors and contracting firms. They cover claims arising from business premises liability exposures, on-site contracting operations liability, liability assumed in a construction contract, liability arising out of the work performed by hired independent contractors, liability arising out of products that are manufactured, sold or installed, and liability arising out completed work or projects.

Professional Liability Errors and Omissions Insurance. E&O policies are usually carried by those persons and firms that render "professional services," such as architects, engineers, designers, management planners, risk assessors, lead paint inspectors and others that design and write specifications for renovation, remodeling and painting projects. These policies cover liability that results from providing or failing to provide such professional services.

Under the law, "professionals" are held to a higher standard of care than laymen, and most CGL policies have exclusions for claims that result from the performance, or failure, of the professional service. E&O policies cover only the professional act itself; therefore, they cover a far narrower range of potential claims than CGL policies. CGL coverage protects contractors from liability due to accidents while E&O coverage protects professionals from liability that results from giving advice or providing other professional services. For example, a lead inspector who drops a flashlight onto and injures a passing tenant will be covered by CGL insurance if a claim is brought. If the

lead inspector fails to identify lead-containing materials and there is a resulting claim, he or she will be covered by E&O insurance. An architect who designs a defective containment scaffold that collapses would be covered by E&O. If a worker incorrectly assembles a properly designed scaffold, any resulting accidents would be covered by CGL.

Pollution Liability Insurance. Standard CGL and E&O insurance almost always contains a "pollution exclusion" or other clause that excludes coverage for liability caused by "pollution." To the extent that residential renovation, remodeling and painting projects generate lead-related "pollutants" or "contaminants," CGL and E&O policies may not cover any resulting claims. Therefore, it may also be necessary to consider acquiring special pollution liability insurance and/or a CGL or E&O policy that has been specifically written or endorsed to include coverage of claims and suits for bodily injury and property damage contamination caused by lead.

Occurrence-based Versus Claims-made Insurance

Liability insurance policies are written as either "occurrence-based" or "claims-made." An **occurrence-based** policy is one that covers claims that result from an accident that occurs during the term of the insurance policy, regardless of how long it takes for the claim to be made. It does not matter if the policy expired years before the claim finally arises; as long as the accident or exposure to injurious conditions or substances happened or "occurred" during the policy term, the resulting claim will be covered by the insurance. Some occurrence-based policies may include **sunset clauses**. A sunset clause states that the coverage lasts for a limited time beyond the expiration date of the policy. For example, if a policy has a sunset clause after five years, and expires on December 31, 2001, then any claims made after December 21, 2006 will not be covered. These clauses are not very prevalent although they sometimes appear in pollution liability policies.

A **claims-made** policy covers a claim for an accident, as long as both the accident and the claim take place while the policy is in force. The policyholder must have a claims-made policy in effect when the claim is first made against the policyholder and reported to the insurance company in order to have coverage. If the policy has expired or been canceled after the accident but before the claim comes in, the policyholder has no insurance coverage. Most claims-made policies include a **retroactive** or **retro-date clause**. The retroactive clause states that the policy will not cover any claims resulting from accidents that happened more than a specified amount of time before the inception date of the policy.

Insurance companies may be willing to modify insurance policy provisions during negotiations and before policy inception. Some insurers offering occurrence-based insurance will drop or extend the periods of sunset clauses prior to writing the policy. Some insurers offering claims-made insurance can be persuaded to push the retro-date

back to an earlier time, so that the policyholder will be covered for all claims arising from the insured's previous activities. Also, most insurers now provide or offer **extended discovery periods** endorsements for claims-made policies. For an additional premium, the policyholder gains an extension of time during which to file claims after the policy expires, as long as the accident occurred during a time period covered by the expiring policy. Extended discovery periods of one year are common. Longer periods are less common.

Generally, most CGL policies are occurrence-based while most E&O policies are claims-made.

Financial Viability of Insurers

Regulation of insurance is left to the states and, depending on the structure of insurance companies and the types of insurance coverage being offered, that regulation and financial oversight might be extensive, limited or non-existent. Pre-approval of policy forms and rates, and periodic financial and operational audits may or may not be required. However, most all insurance companies have some minimum capitalization requirements before they can write any business. Yearly financial statements should be available that provide details on the company's financial viability.

Additionally, there are independent commercial rating services that report on the insurance company's relative financial strength, balance sheet, profit and loss statement, investments, financial reserves to pay for claims, claims payment history, management expertise and lines of business written. These services include A. M. Best Company and Moody's. The reports published by A. M. Best and Moody's provide another source of information on insurers' financial viability and stability.

Insurance Availability

CGL and E&O policies are widely available in the commercial insurance market, but lead-specific and other pollution liability policies are not. Further, those pollution liability policies currently available have high minimum premiums and vary in terms of the coverage provided. This coverage is often very narrowly written and may have a number of conditions and exclusions that will limit applicability to certain claim and/or suit situations.

Questions to Ask When Choosing Insurance

To determine what types of insurance are appropriate for residential renovation, remodeling and painting projects and whether a particular insurer is financially viable and stable, individuals and firms engaged in this work should consult with their insurance agent or broker, professional risk manager and/or attorney. Questions that should be asked and answered include the following:

1. Is CGL insurance adequate for the types of claims exposures my work will create?
2. Does my work specifically include providing professional services for which E&O insurance is intended?
3. Does my existing insurance cover “bodily injury” or “property damage” caused by exposure to lead?
4. Will I be working in properties that might contain lead-based paint and result in my work generating lead contamination and exposure?
5. Is my exposure to lead-specific or pollution-related claims so small as to eliminate the need for special pollution liability insurance? How often will painted surfaces and components in properties where I work be tested for lead-based paint?
6. If I choose not to purchase CGL, E&O or special pollution liability insurance policies that cover lead liability claims, will it limit my ability to bid on projects or to be deemed acceptable for some residential renovation, remodeling or painting projects? If so, is that acceptable to me?
7. If I choose not to purchase CGL, E&O and/or special pollution liability insurance policies that cover lead liability, can I afford to bear the out-of-pocket cost and responsibility of handling, investigating, defending and paying for any claims or suits against me?
8. For those insurance policies that I am considering, what are the financial ratings of the insurers under consideration, as determined by independent insurance company rating services such as the A. M. Best Company and Moody’s? Have any state insurance departments placed such insurers on a financial “watch” list or under supervision?
9. For those insurance policies that I am considering, are there any policy conditions or exclusions that would limit coverage of a claim or lawsuit?

Guidance on The Homebuyer's Option To Test For
Lead-Based Paint and Lead-Based Paint Hazards

The HUD/EPA Disclosure Rule includes the following language on a homebuyer's right to conduct a lead hazard evaluation.

24 CFR Part 35, Subpart A:

35.1 Opportunity to conduct an evaluation

(a) Before a purchaser is obligated under any contract to purchase target housing, the seller shall permit the purchaser a 10-day period (unless the parties mutually agree in writing, upon a different period of time) to conduct a risk assessment or inspection for the presence of lead-based paint and /or lead-based paint hazards

(b) Notwithstanding paragraph (a) of this section, a purchaser may waive the opportunity to conduct the risk assessment or inspection by indicating so in writing.

What does this option mean for the homebuyer?

- After signing a contract, the buyer has 10 days to perform a risk assessment or paint inspection in the home. The buyer and seller may mutually agree to lengthen or shorten this 10-day time period.
- If the buyer exercises this right, the buyer is responsible for scheduling and paying for the risk assessment or the paint inspection.
- If the lead hazard evaluation indicates that lead-based paint and/or lead-based paint hazards are found, the buyer has the right to cancel the contract. However, this right does not exempt the buyer from any costs of cancellation if the right to cancel is not made clear in the contingency to the sales contract. HUD and EPA have suggested optional wording as provided in Exhibit A below.

What does this option mean for the seller?

- The sales contract must include language regarding the right to conduct a lead hazard evaluation. It must state:
  - The buyer's right to conduct an evaluation within 10 days (or other mutually agreed upon time period) and to cancel the contract if lead-based paint and/or lead hazards are identified.
  - Or , that the buyer has waived the right to conduct a lead hazard evaluation.
- The seller is not required to pay for the paint inspection or risk assessment.
- If the seller is dealing with two potential buyers, one of who waives the right to the lead hazard evaluation and one of whom does not, the seller can choose to sign a contract with the buyer who waives the right.

How does this rule affect a homebuyer program design?

- If a homebuyer is purchasing a home with Federal assistance, that homebuyer, like any other buyer has the right to request a risk assessment or a paint inspection.
- Participants in the program must be informed of this right.
- Program administrators face a design decision: Will the program pay for the evaluation if the homeowner requests it?

How does the rule affect homebuyer program procedures?

- If the evaluation reveals lead-based paint and/or hazards, there is no requirement to address the hazards, however, some action is prudent.
  - The Lead Safe housing rule requirements for acquisitions require only the stabilization of deteriorated paint and passing clearance.
  - If the evaluation reveals intact lead-based paint, there is no action to be taken.
  - If the evaluation reveals lead hazards, no action is required by Federal regulations but it would be prudent to address the hazards identified, either through abatement or interim controls.
- Four options for addressing lead hazards found due to such evaluations are:
  - Provide rehabilitation loans or refer buyers to a rehabilitation loan program
    - If rehabilitation hard costs or the federal assistance exceed $5,000, the requirements of Subpart J apply – all hazards would have to be addressed and clearance passed.
    - The buyer would have to qualify for the additional assistance
    - Sources of rehab funding include HOME, CDBG, 203(k), state/local rehab funds
  - Reject homes with lead hazards from the program and assist the buyer in finding another home.
    - This policy would have to be documented in the program requirements and communicated to the buyer in advance
    - This policy should also be communicated to sellers prior to signing a contract.
    - Ensure that the sales contract signed includes a contingency allowing the buyer to cancel the contract if lead-based paint or lead-based paint hazards are found.
  - Have the seller fix the hazard prior to purchase (especially if the hazards are small).
    - In this case, no federal funds can be used for the work.
    - It would be prudent to require that the seller use lead safe work practices and that the unit to pass clearance prior to closing.
  - Negotiate the price of the home down to provide funds for the buyer to fix the hazards. (This is not common but is permissible).
    - In such a case, if rehabilitation hard costs or federal assistance exceed $5000, the requirements of subpart J apply.

Exhibit A: Sample Contract Contingency Language

This contract is contingent upon a risk assessment or inspection of the property for the presence of lead-based paint and/or lead-based paint hazards at the Purchaser's expense until 9 p.m. on the tenth calendar day after ratification [insert date 10 days after contract ratification or a date mutually agreed upon]. (Intact lead-based paint that is in good condition is not necessarily a hazard. See the HUD/EPA/CPSC pamphlet *Protect Your Family From Lead-Based Paint In Your Home* for more information.) This contingency will terminate at the above predetermined deadline unless the Purchaser (or Purchaser's agent) delivers the Seller (or Seller's agent) a written contract addendum listing the specific existing deficiencies and corrections needed, together with a copy of the inspection and/or risk assessment report. The Seller may, at the Seller's option, within ___ days after Delivery of the addendum, elect in writing whether to correct the conditions(s) prior to settlement. If the Seller will correct the condition, the Seller shall furnish the Purchaser with certification from a risk assessor or inspector demonstrating that the condition has been remedied before the date of the settlement. If the seller does not elect to make repairs, or if the Seller makes a counter-offer, the Purchaser shall have ___ days to respond to the counter-offer or remove this contingency and take the property in "as is" condition or this contract shall become void. The Purchaser may remove this contingency at any time without cause.

Homebuyer Program Lead Compliance Document Checklist

The following documents should be in each Homebuyer unit file to document compliance with the lead requirements:

Document Name	Purpose	✓
Lead Safe Housing Rule Screening Sheet	Documents exemptions	
Physical inspection form (HQS or equivalent)	Documents visual assessment results	
Seller Certification	Seller certifies that paint was stabilized by qualified workers and that safe work practices were followed during paint stabilization	
Clearance Report and Clearance Review Worksheet	Documents that unit passed clearance	
Disclosure Form	Documents that buyer received disclosure and pamphlet.	
Lead Hazard Reduction Notice	Documents that buyer received required lead hazard reduction notification.	

Sample Letter to Lenders, Realtors and Title Companies
New Lead Based Paint Rules

To better protect young children from the dangers of lead based paint in their homes, the Department of Housing and Urban Development issues the Lead Safe Housing Rule.

- An estimated 890,000 children have too much lead in their bodies.
- Nationwide an estimated 38 million homes have lead based paint.
- The most common source of lead hazards are generated in a residential environment.
- Lead based paint was banned from residential use in 1978.

The Lead Safe Housing Rule applies to any housing unit built prior to 1978 and assisted with HUD funds. The rule affects the way City, Lenders, Realtors and Title Companies implement homebuyer assistance programs as follows:

- During the City's regular inspection of any house built before 1978, both the interior and exterior painted surfaces must be inspected for defective paint. Defective paint is paint that is cracking, flaking, chipping, chalking or peeling from a building component or house.
- Defective paint surfaces must be corrected by workers trained in lead-safe work practices or workers supervised by a trained and certified supervisor or contractor. (The City can provide information on how to locate appropriately trained workers).
- If defective paint is not found, no corrective work or clearance testing is required.
- Once work on the defective paint surface is completed and the surrounding area cleaned, [the City's certified inspector] will perform a clearance examination. The test samples will be sent to a certified laboratory for testing. This may require up to three days.
- The cost of clearance testing will be added to the closing costs. Cost will depend on the number of samples taken.
- If the home fails the clearance examination, the home must be re-cleaned and re-tested.
- The buyer and seller cannot close on a homebuyer assistance project until the house passes the clearance examination.

We realize these are big changes in our program. We will be working closely with you to help you understand and comply with the new rules.

Seller Certification (Homebuyer Program) – Sample Form

I, _____(*name*), owner of _____(unit or address), certify that all deteriorated paint identified in the inspection report dated _____ was stabilized and that safe work practices were followed. Items 1A-1E were adhered to, in compliance with Federal, state and local regulations, except in cases where the work was exempt from safe work practice requirements as described in Item 2.

Check Number 1 or 2

_____ 1. The following practices were followed as appropriate (check all that apply).

☐ A. The prohibited work methods listed below were not used.

- ═ Open flame burning or torching.
- ═ Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- ═ Abrasive blasting or sandblasting without HEPA local exhaust control.
- ═ Heat guns operating above 1,100 degrees Fahrenheit, or those that that operate high enough to char the paint.
- ═ Dry sanding or dry scraping. (For exceptions to this rule see 24CFR 35.140 (e).)
- ═ Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR 1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration at 29 CFR 1010.1200 or 1926.59, as applicable to the work.

☐ B. Workers performing the work were qualified to do so, in compliance with 24 CFR. 35

- ═ Workers were supervised by a certified abatement supervisor; or
- ═ Workers successfully completed a HUD-approved training on Lead Safe work practices (see www.hud.gov/offices/lead/lbptraining for a listing of approved courses)

☐ C. Protection of occupants and preparation of the worksite as described below.

- Occupant Protection

  - ═ Occupants were not permitted to enter the worksite during hazard reduction activities until final clearance was achieved.
  - ═ Occupants were temporarily relocated before and during hazard reduction activities if necessary.
  - ═ Dwelling unit and worksite were secured against unauthorized entry, and occupants' belongings were protected from contamination by dust-lead hazards and debris during hazard reduction activities.
  - ═ Occupants' belongings in a containment area were relocated to a secure area outside the containment area or covered with appropriate materials.

- Worksite Preparation

  - ═ Worksite was prepared to prevent release of leaded dust and contained lead-based paint chips and other debris from hazard reduction activities within the worksite.
  - ═ A warning sign was posted at each entry to rooms where hazard reduction activities were conducted when occupants were present.

☐ D. Specialized cleaning after hazard reduction activities including:

- ═ Used HEPA vacuum cleaners; or other method of equivalent efficacy; and
- ═ Lead-specific detergents or equivalents.

☐ E. Clearance of unit achieved before reoccupancy was permitted.

_____ 2. Safe work practices and clearance were not required when activities do not disturb painted surfaces below the *de* minimis thresholds defined below.

- The required repairs did not disturb painted surfaces that totaled more than:

- ═ 20 square feet on exterior surfaces;
- ═ 2 square feet in any one interior room or space; or
- ═ 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as windowsills, baseboards, and trim).

_____	_____	_____	_____
Owner Signature	Date	City of _____ Representative	Date

Appendix B:
Forms 41-50

Sample Instructions for Property Owners with Tenants Receiving Tenant Based Rental Assistance (TBRA)

To better protect young children from the dangers of lead based paint in their homes, the Department of Housing and Urban Development has issued The Lead Safe Housing Rule (24 CFR 35)

- An estimated 890,000 children have too much lead in their bodies.
- Nationwide an estimated 38 million homes have lead based paint.
- The most common source of lead hazards are generated in a residential environment.

The Lead Safe Housing Rule applies to rental units leased under the Tenant Based Rental Assistance (TBRA) Program. TBRA Rental units affected are those:

- Built before January 1978 in which children under the age of six years are expected to live

The Lead Safe Housing Rule affects the way City and Landlords with TBRA units will do their business in the following ways:

➜ The City will conduct physical inspections before move-in and annually thereafter.

➜ All painted surfaces, interior and exterior, must be inspected for defective paint (not just those within reach of a child).

➜ If deteriorated paint is identified, the paint must be stabilized. Paint stabilization must be done by qualified workers using safe work practices (see Attachment 2).

➜ Once work on the defective paint surface is completed and the surrounding area cleaned, the City's certified inspector will conduct a clearance examination. Dust samples will be sent to a certified laboratory for testing. This may require two days.

➜ The [City or Landlord] will pay for the first clearance examination.

➜ If a unit fails the clearance examination, the [City or Landlord] is responsible for re-cleaning the unit and hiring a certified clearance examiner to perform a second clearance.

➜ No TBRA contract can be effective or renewed until the unit passes the clearance test.

➜ After work is complete, the Landlord must provide a Notice of Lead Hazard Reduction to the resident (see Attachment 3).

➜ As long as a TBRA contract remains in place, the city will conduct annual inspections for deteriorated paint.

➜ As long as a TBRA contract remains in place, the landlord is required to stabilize any deteriorated paint in a lead-safe manner (see Attachment 4).

The following resources are provided to help you implement these requirements:

1) Attachment 1: Summary of old and new requirements
2) Attachment 2: Instructions on how to stabilize paint
3) Attachment 3: Sample Notice of Lead Hazard Reduction
4) Attachment 4: Instructions for ongoing maintenance

The City will work with Landlords to facilitate compliance and help you find qualified workers. For more information, please contact _____.

Attachment 1: Summary of Old and New Requirements

The City and landlords have always taken some steps covered by the new rules. The following shows basic steps or action required for compliance with the new Lead Safe Housing Rule.

Previously Required	Required Since the Lead Safe Housing Rule Became Effective
Landlords sign the Lead Based Paint Disclosure Form when a request for Lease Approval is submitted for a unit.	Same
Lead Hazard Information Pamphlet is provided and explained to tenants at their briefing by the Housing Office	Same
When children under six will be or are living in a pre-1978 unit, the HQS inspector looks for defective paint.	A visual assessment will be made of all exterior and interior painted surfaces on pre-1978 units in which children under the age of 6 will be or are living. The city will assume the defective surfaces contain lead-based paint. At their own expense, landlords have the option to test the paint to confirm the presence of lead based paint. If the test results show no lead-based paint is present, the rules do not apply. Surfaces subject to assessment include the interior and exterior surfaces of the unit, common areas connecting to the unit or used by one or more children under age six (on-site play areas and child care facilities)
Landlords must properly remove and dispose of chipping, peeling paint from reachable surfaces.	Before the tenant moves in or before an annual contract is renewed, all defective surfaces must be corrected by trained workers or workers supervised by a certified supervisor or contractor. All work must be done using safe work practices.
Follow-up inspection is made by City to confirm HQS repairs are made.	After the work is complete, the City's Certified Clearance Inspector will inspect the work done to correct the defective paint. The inspector will collect several wipe samples for clearance testing.
	The City will send the test samples to a certified laboratory for testing which will require 2 to 3 days. The City or Landlord will pay for the first clearance test. If the test fails, the City or Landlord will be required to pay for follow-up tests.
	The City will notify landlords of the test results. Landlords must notify tenants of the clearance test results.
Contracts are not effective until a unit passes HQS inspection and leases are executed by both landlord and tenant.	Contracts will not be effective until a unit passes HQS inspection, which will now include the lead based paint clearance test, and leases are executed by both landlord and tenant.

Attachment 2: Paint Stabilization Instructions

Repairing, removing or maintaining lead-based paint improperly can spread lead-contaminated dust throughout the home. It is very important to use safe work methods when working on surfaces that may contain lead-based paint.

1. **Use qualified workers**. In homes receiving HUD assistance, **paint stabilization must be done by workers who are specially trained in lead safe work practices**. Alternatively, the workers may be supervised by a state-certified abatement supervisor. The city can help you identify properly trained contractors.

2. **Use the proper equipment**. You will need the proper tools and supplies to do the job correctly. In addition to tools such as scrapers and putty knives, it is important to have: A HEPA vacuum (a vacuum equipped with a very fine filter capable of filtering very small particles of lead); double sided mop bucket and mop; a good household detergent; ample disposable paper towels or rags; plastic sheeting; tack cloth; disposal waste bags; wet sanding blocks; and misting bottle filled with water.

3. **Set up the work area properly**. The key is to contain the dust and debris created by the work. Create a barrier between the work area and the rest of the house. Use plastic sheeting over the doorways to seal off the area and protect the rest of the house from exposure. Work over a plastic drop cloth (never use cloth) to catch any debris created as a result of paint removal. Wear disposable shoe covers and remove them before exiting the work area, or step onto a tack cloth to remove paint chips and dust from the soles of shoes. Keep doors and windows closed to prevent dust from blowing and close off vents to central air or heating systems to avoid spreading dust to other parts of the house. Remove all furniture, or cover tightly with plastic sheeting. Do not allow children or pregnant women into the work area.

4. **Use safe work practices**. Never remove lead-based paint by dry-sanding, dry scraping or burning. Use power sanders, grinders, and planers only with a HEPA exhaust attachment. Using your misting bottle, wet the painted surface before sanding with a wet sanding block, or scraping. Be sure to work over a plastic drop cloth to catch any large particles. Do not eat, smoke or chew gum while working.

5. **Clean as you work**. Be sure to wet clean the areas you are working on as you go along. Though it will be necessary to clean the entire house at the end of the project, it is important to clean as you work in order to keep lead-contaminated dust from spreading. Clean using a good household detergent. Rinse your cleaning utensils in clean water.

6. **Dispose of waste properly**. When the work is done, mist the plastic sheeting with water to keep down the dust. Roll the plastic sheet up, keeping the dirty side in. Pick up any paint chips or other debris that may have fallen elsewhere. Be sure to place all disposable items used in the repair and clean up into plastic waste bags. The bags must be tightly sealed and properly can be disposed of with the household trash*. Once the bags are sealed, do not reopen them.

7. **Have dust sampling done**. You must have clearance (also called dust sampling) done after the paint has been stabilized and the work area cleaned. The results of this test will tell you if your work practices and final cleaning have been effective at removing lead-contaminated dust.

* Check with your State lead program to make sure that there is no regulation prohibiting this.

Attachment 3: Sample Notice of Lead Hazard Reduction

Property Address:_____ Today's Date:_____

Summary of the Hazard Reduction Activity:

Start Date:_____ Completion Date:_____

Location and type of activity. (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

_____

_____

_____

_____

Date(s) of clearance testing:_____

Summary of results of clearance testing:

(a) _____ No clearance testing was performed.

(b) _____ Clearance testing showed clearance was achieved.

(c) _____ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows).

_____

_____

Person who prepared this summary notice

Printed Name:_____ Signature:_____

Title:_____ Organization:_____

Address:_____

Phone:_____ Fax:_____

Owner:_____ Date:_____
(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact _____ at _____.

Attachment 4: Ongoing Monitoring and Maintenance Requirements

Take the following steps to make sure that paint is not deteriorating and creating lead-contaminated dust and paint chips. This will help prevent children from being lead poisoned.

1. **Regularly Check Repairs for Deterioration, Paint Chips, and Dust**
   Property owners must monitor painted surfaces at least annually and at unit turnover. Check to see if:
   - New evidence of deterioration or paint failure is present.
   - The cause of the problem was corrected.

2. **Maintain Surfaces and Work Safely**
   - Stabilize deteriorated paint;
   - Use safe work practices and qualified workers for all maintenance activities;

3. **Perform Clearance**
   - Clean thoroughly after all maintenance work;
   - Perform clearance in the work area;
   - Use a certified clearance examiner (risk assessor, paint inspector, or lead sampling technician);
   - If the work area does not pass clearance, reclean and perform clearance again

❋ **Note** – safe work practices and clearance are not required when maintenance or hazard reduction activities do not disturb painted surfaces below the de minimis thresholds defined below:

- 20 square feet (2 square meters) on exterior surfaces;
- 2 square feet (0.2 square meters) in any one interior room or space; or
- 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as window sills, baseboards, and trim).

TBRA Program-Owner Certification

I, _____(*name*), owner of _____(unit or address), certify that all deteriorated paint identified in the inspection report dated _____ was stabilized and that safe work practices were followed. Items 1A-1E were adhered to, in compliance with Federal, state and local regulations, except in cases where the work was exempt from safe work practice requirements as described in Item 2. I also certify that I will conduct ongoing maintenance as described in Item 3 below.

Check Number 1 or 2 <u>and</u> Number 3

_____ 1. The following practices were followed as appropriate (check all that apply).

☐ A. The prohibited work methods listed below were not used.

- ═ Open flame burning or torching.
- ═ Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- ═ Abrasive blasting or sandblasting without HEPA local exhaust control.
- ═ Heat guns operating above 1,100 degrees Fahrenheit, or those that that operate high enough to char the paint.
- ═ Dry sanding or dry scraping. (For exceptions to this rule see 24CFR 35.140 (e).)
- ═ Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR 1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration at 29 CFR 1010.1200 or 1926.59, as applicable to the work.

☐ B. Workers performing the work were qualified to do so, in compliance with 24 CFR. 35

- ═ Workers were supervised by a certified abatement supervisor; or
- ═ Workers successfully completed a HUD-approved training on Lead Safe work practices (see www.hud.gov/offices/lead/lbptraining for a listing of approved courses)

☐ C. Protection of occupants and preparation of the worksite as described below.

- Occupant Protection

  - ═ Occupants were not permitted to enter the worksite during hazard reduction activities until final clearance was achieved.
  - ═ Occupants were temporarily relocated before and during hazard reduction activities if necessary.
  - ═ Dwelling unit and worksite were secured against unauthorized entry, and occupants' belongings were protected from contamination by dust-lead hazards and debris during hazard reduction activities.
  - ═ Occupants' belongings in a containment area were relocated to a secure area outside the containment area or covered with appropriate materials.

- Worksite Preparation

  - ═ Worksite was prepared to prevent release of leaded dust and contained lead-based paint chips and other debris from hazard reduction activities within the worksite.
  - ═ A warning sign was posted at each entry to rooms where hazard reduction activities were conducted when occupants were present.

☐ D. Specialized cleaning after hazard reduction activities including:

- Used HEPA vacuum cleaners; or other method of equivalent efficacy; and
- Lead-specific detergents or equivalents.

☐ E. Clearance of unit achieved before reoccupancy was permitted.

_____ 2. Safe work practices and clearance were not required when activities do not disturb painted surfaces below the *de* minimis thresholds defined below.

- The maintenance or rehab hazard reduction activities did not disturb painted surfaces that totaled more than:

  - 20 square feet on exterior surfaces;
  - 2 square feet in any one interior room or space; or
  - 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as windowsills, baseboards, and trim).

_____ 3. I will comply with ongoing maintenance requirements, for the term of the HUD assistance including:

- Performance of visual assessments for deteriorated paint, bare soil and lead hazard control failures of all lead-based paint in units, annually and at unit turnover.
- Repair all deteriorated paint above de minimis levels* using Safe Work Practices.
- Repair all encapsulated or enclosed areas that are damaged or failing using appropriate interim controls or abatement methods (if applicable).
- Request in writing that occupants of units monitor lead-based paint surfaces and notify me regarding any new potential lead hazards. (For units that are newly leased during this monitoring period.)

*De minimis levels are defined as:

- 20 square feet on exterior surfaces;
- 2 square feet in any one interior room or space; or
- 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as windowsills, baseboards, and trim).

_____	_____	_____	_____
Owner Signature	Date	City of _____ Representative	Date

Instructions for Residents

To Whom It May Concern:

The purpose of this notice is to inform you that because your home was built prior to January 1978, it may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women.

You should have already received a pamphlet on lead poisoning prevention, as well as a disclosure form on the lead-based paint or lead-based paint hazards in your home. Attached is a handout, "What Are the Sources of Lead in Your Home?" that also provides useful information. For additional information on lead-based paint and lead hazards, please call the National Lead Information Center at 1-800-424-LEAD or visit the web at:

- http://www.hud.gov/offices/lead/index.cfm; or
- http://www.epa.gov/lead/

Regulations under The Lead Safe Housing Rule helps to ensure that your home is safe for occupancy. In order for you to help keep your home safe, please notify the management if you see any paint that is chipping, peeling, flaking or otherwise damaged.

The bottom of this page can be detached and submitted to the management to bring attention to any lead-based paint concerns.

We thank you for your cooperation.

Best Wishes,

The Management

Lead-Based Paint Concern

To <Residential Management Company>

I am submitting this notice because
I have observed the following:

☐ Paint in bad condition (chipping, peeling, flaking, etc.)

☐ Other _____

Location of Paint Concern:
☐ Interior (location):
_____

☐ Exterior (location):
_____

Name: _____

Address: _____

_____

Date: _____

What are the Sources of Lead in Your Home?

There are four major sources of lead that can pose a health hazard to people in and around the home. The sources are:

1. **Lead-based paint.** Lead-based paint can be found in housing built before 1978. It can be a hazard, especially if it deteriorates or, if it is disturbed during maintenance or normal wear and tear. If lead-based paint is peeling, chipping, chalking or cracking, it will create lead-contaminated dust that poisons children through normal hand-to-mouth activity. Children may also eat paint chips or chew on painted surfaces that are accessible to them, resulting in poisoning. Even lead-based paint that appears to be in good condition can be a problem if it is on surfaces that get a lot of wear and tear, such as door jambs and window tracks. It is important to remove the causes of deteriorating paint such as water leaks. Repair areas where lead paint is deteriorating by repainting using a good latex paint or lead sealer.

2. **Lead-contaminated dust.** Lead-contaminated dust is created when lead-based paint is sanded or scraped during maintenance or repair, or just through every day wear and tear. When maintenance or renovation takes place, the dust from these operations settles on surfaces such as floors, countertops, window-sills and furniture. If the paint being worked on contains lead, the lead is deposited on surfaces as dust. Window tracks and door jambs can be another source of lead-contaminated dust. If these components rub during normal opening and closing, lead-contaminated dust can be created and deposited on surfaces throughout the home. Lead from work done on house exteriors can be tracked into the home, becoming an additional source of lead dust. After routine home maintenance or remodeling renovation and painting, the home should be thoroughly cleaned to remove any dust that may be left behind because it may contain lead. Lead dust sampling should then be performed to verify that the cleaning was effective.

3. **Lead-contaminated soil.** Soil can become contaminated when exterior lead-based deteriorates and gets into the soil. Homes near certain industries such as smelters or battery manufacturers may have lead into the soil as a result of these operations. Past use of leaded gasoline has also left lead deposits in our nation's soil. Playgrounds and gardens should not be placed in areas where the soil is contaminated with lead. Soil can be tracked into the home so it is important for workers to clean shoes or remove them before entering the home.

4. **Lead-contaminated drinking water.** Drinking water can be contaminated with lead, regardless of the water's source. Many faucets in homes and on store shelves contain leaded components that can leach lead into the water. Leaded solder in household piping and leaded components in well pumps have been in use for many years, and continue to leach lead into the drinking water of thousands of homes even today. Many public water delivery systems still have old lead piping through which the water must pass before it reaches the home. Water with a high pH has a tendency to leach more lead than water with a neutral pH, and warm water leaches more lead than cold. Allow cold water to run before drinking.

The following are sources of information about lead-based paint in your home:

- *National Lead Information Center* (NLIC) is a clearinghouse for information on lead that provides copies of pamphlets, reports, and other resources. (1-800-424-LEAD)
- *Safe Drinking Water Hotline* provides information and assistance to the public on safe drinking water. (1-800-426-4791)

TBRA Program Lead Compliance Document Checklist

The following documents should be in each TBRA unit file to document compliance with the lead requirements:

Document Name	Purpose	✓
Application	documents age of children	
Lead Safe Housing Rule Screening Sheet	Documents exemptions	
Physical inspection form (HQS or equivalent)	Documents visual assessment results	
Owner Certification	Owner certifies that paint was stabilized by qualified workers and that safe work practices were followed during paint stabilization and that ongoing monitoring will occur	
Clearance Report	Documents that unit passed clearance	
Disclosure Form	Documents that tenant received disclosure and pamphlet.	
Lead Hazard Reduction Notice	Documents that tenant received required lead hazard reduction notification.	
Documentation of ongoing maintenance activities: • Inspection reports – from annual and turn-over inspections • Clearance report from each maintenance job involving painted surfaces above the de minimis • Notice of lead hazard reduction for each maintenance job involving painted surfaces	Documents that a visual assessment is performed at least annually and that any deteriorated paint is addressed appropriately (including clearance and notice of lead hazard reduction)	
Documentation of response to EIBLL child: • Copies of risk assessment • Abatement or clearance report • Relocation documents • Correspondence with health department	Documents that if an EIBLL child was identified in the unit, the situation was addressed in accordance with the Lead Safe Housing Rule.	

Request for EIBLL children names and addresses

Applicable to Tenant Based Rental Assistance Programs

Names and addresses of environmental intervention blood lead levels (EIBLL) children in your jurisdiction should be requested on a quarterly basis from the local or State Health Department. If the Health Department performs the name and address comparison, the Participating Jurisdiction/grantee or administering agency is not required to conduct a duplicate comparison. Use this sample letter to start you own letter.

DATE

_____ Health Dept
1515 Jones Street
Anywhere, Any State, 11111

RE: Request for names and addresses of children with Environmental Intervention Blood Lead Levels (EIBLL)

Dear _____:

In accordance with the Department of Housing and Urban Development's Lead Safe Housing Rule 24 CFR Part 35 Subpart M, we are requesting the addresses of children under six who have been identified with (EIBLL). We will use this information to identify properties receiving Tenant Based Rental Assistance and enforce HUD requirements for addressing lead-based paint in properties with EIBLL children.

> *Environmental Intervention Blood Lead Levels (EIBLL) means a confirmed concentration of lead in whole blood equal to or great than 20ug/dL (micrograms per deciliter) for a single test or 15-19 ug/dL in two tests taken at least 3 months apart.*

Please send the addresses of all children with Environmental Intervention Blood Lead Levels you have on file for _____ (*name of city or county*) to _____ (*contact person and address*) by _____ (*give reasonable deadline date*). Please list the addresses and if any action has been taken.

Please feel free to contact _____ (*name of contact person*) at _____(*phone number*) or by email at _____ (*email address*) if you have any questions.

Thank you for your attention to this matter.
Sincerely,

_____

City of _____ TBRA Administrator

Providing Addresses of Units Receiving TBRA to Health Department

Applicable to Tenant Based Rental Assistance Programs

Names and addresses of families with children under age six receiving TBRA in your jurisdiction should be sent on a quarterly basis to the local or State Health Department. If the Health Department does not wish to receive the data, the Participating Jurisdiction/grantee or administering agency is not required to submit it. Use this sample letter to start you own letter.

DATE

_____ Health Dept
1515 Jones Street
Anywhere, Any town, 11111

RE: Addresses of Units Receiving Tenant Based Rental Assistance in _____.

Dear _____:

In accordance with the Department of Housing and Urban Development's Lead Safe Housing Rule 24 CFR Part 35 Subpart M, please find attached a list housing units receiving Tenant Based Rental Assistance in _____. Please use this information to match known cases of environmental intervention blood lead levels (EIBLL) children. Please let us know the names and addresses that match of these children so we can carry out the requirements of this section for environmental intervention.

> *Environmental Intervention Blood Lead Levels (EIBLL) means a confirmed concentration of lead in whole blood equal to or great than 20ug/dL (micrograms per deciliter) for a single test or 15-19 ug/dL in two tests taken at least 3 months apart.*

Please feel free to contact _____ (*name of contact person*) at _____(*phone*) or by email at _____ (*email address*) if you have any questions.

Sincerely,

_____

City of _____ TBRA Administrator

Sample Instructions for Nonprofits
Running Special Needs Housing Programs

To better protect young children from the dangers of lead based paint in their homes, the Department of Housing and Urban Development has issued The Lead Safe Housing Rule (24 CFR 35)

- An estimated 890,000 children have too much lead in their bodies.
- Nationwide an estimated 38 million homes have lead based paint.
- The most common source of lead hazards are generated in a residential environment.

The Lead Safe Housing Rule applies to special needs housing built before 1978 that receives funds from HOPWA, Shelter Plus Care, Supportive Housing Program, or other HUD Assistance.

The Lead Safe Housing Rule affects the way City and nonprofits running special needs housing programs will do their business in the following ways:

- The city will conduct physical inspections before move-in and annually thereafter.
- All painted surfaces, interior and exterior, must be inspected for defective paint (not just those within reach of a child).
- If deteriorated paint is identified, the paint must be stabilized. Paint stabilization must be done by qualified workers using safe work practices (see Attachment 1).
- Once work on the defective paint surface is completed and the surrounding area cleaned, the City's certified inspector will conduct a clearance examination. Dust samples will be sent to a certified laboratory for testing. This may require two days.
- The city will pay for the first clearance examination.
- If a unit fails the clearance examination, the nonprofit is responsible for re-cleaning the unit and hiring a certified clearance examiner to perform a second clearance.
- After work is complete, the nonprofit must provide a Notice of Lead Hazard Reduction to the resident (see Attachment 2).
- As long as a property receives HUD assistance, the city will conduct annual inspections for deteriorated paint.
- As long as a property receives HUD assistance, the nonprofit is required to stabilize any deteriorated paint in a lead-safe manner (see Attachment 3).

The following resources are provided to help you implement these requirements:

1) Attachment 1: Instructions on how to stabilize paint
2) Attachment 2: Sample Notice of Lead Hazard Reduction
3) Attachment 3: Instructions for ongoing maintenance

The City will work with nonprofits to facilitate compliance and help you find qualified workers. For more information, please contact _____.

Attachment 1: Paint Stabilization Instructions

Repairing, removing or maintaining lead-based paint improperly can spread lead-contaminated dust throughout the home. It is very important to use safe work methods when working on surfaces that may contain lead-based paint.

1. **Use qualified workers**. In homes receiving HUD assistance, **paint stabilization must be done by workers who are specially trained in lead safe work practices**. Alternatively, the workers may be supervised by a state-certified abatement supervisor. The city can help you identify properly trained contractors.

2. **Use the proper equipment**. You will need the proper tools and supplies to do the job correctly. In addition to tools such as scrapers and putty knives, it is important to have: A HEPA vacuum (a vacuum equipped with a very fine filter capable of filtering very small particles of lead); double sided mop bucket and mop; a good household detergent; ample disposable paper towels or rags; plastic sheeting; tack cloth; disposal waste bags; wet sanding blocks; and misting bottle filled with water.

3. **Set up the work area properly**. The key is to contain the dust and debris created by the work. Create a barrier between the work area and the rest of the house. Use plastic sheeting over the doorways to seal off the area and protect the rest of the house from exposure. Work over a plastic drop cloth (never use cloth) to catch any debris created as a result of paint removal. Wear disposable shoe covers and remove them before exiting the work area, or step onto a tack cloth to remove paint chips and dust from the soles of shoes. Keep doors and windows closed to prevent dust from blowing and close off vents to central air or heating systems to avoid spreading dust to other parts of the house. Remove all furniture, or cover tightly with plastic sheeting. Do not allow children or pregnant women into the work area.

4. **Use safe work practices**. Never remove lead-based paint by dry-sanding, dry scraping or burning. Use power sanders, grinders, and planers only with a HEPA exhaust attachment. Using your misting bottle, wet the painted surface before sanding with a wet sanding block, or scraping. Be sure to work over a plastic drop cloth to catch any large particles. Do not eat, smoke or chew gum while working.

5. **Clean as you work**. Be sure to wet clean the areas you are working on as you go along. Though it will be necessary to clean the entire house at the end of the project, it is important to clean as you work in order to keep lead-contaminated dust from spreading. Clean using a good household detergent. Rinse your cleaning utensils in clean water.

6. **Dispose of waste properly**. When the work is done, mist the plastic sheeting with water to keep down the dust. Roll the plastic sheet up, keeping the dirty side in. Pick up any paint chips or other debris that may have fallen elsewhere. Be sure to place all disposable items used in the repair and clean up into plastic waste bags. The bags must be tightly sealed and properly can be disposed of with the household trash*. Once the bags are sealed, do not reopen them.

7. **Have dust sampling done**. You must have clearance (also called dust sampling) done after the paint has been stabilized and the work area cleaned. The results of this test will tell you if your work practices and final cleaning have been effective at removing lead-contaminated dust.

* Check with your State lead program to make sure that there is no regulation prohibiting this.

Attachment 2: Sample Notice of Lead Hazard Reduction

Property Address:_____ Today's Date:_____

Summary of the Hazard Reduction Activity:

Start Date:_____ Completion Date:_____

Location and type of activity. (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

_____

_____

_____

_____

Date(s) of clearance testing:_____

Summary of results of clearance testing:

(a) _____ No clearance testing was performed.

(b) _____ Clearance testing showed clearance was achieved.

(c) _____ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows).

_____

_____

Person who prepared this summary notice

Printed Name:_____ Signature:_____

Title:_____ Organization:_____

Address:_____

Phone:_____ Fax:_____

Owner:_____ Date:_____
(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact _____ at _____.

Attachment 3: Ongoing Monitoring and Maintenance Requirements

Take the following steps to make sure that paint is not deteriorating and creating lead-contaminated dust and paint chips. This will help prevent children from being lead poisoned.

1. **Regularly Check Repairs for Deterioration, Paint Chips, and Dust**
   Property owners must monitor painted surfaces at least annually and at unit turnover. Check to see if:
   - New evidence of deterioration or paint failure is present.
   - The cause of the problem was corrected.

2. **Maintain Surfaces and Work Safely**
   - Stabilize deteriorated paint;
   - Use safe work practices and qualified workers for all maintenance activities;

3. **Perform Clearance**
   - Clean thoroughly after all maintenance work;
   - Perform clearance in the work area;
   - Use a certified clearance examiner (risk assessor, paint inspector, or lead sampling technician);
   - If the work area does not pass clearance, reclean and perform clearance again

✵ **Note** – safe work practices and clearance are not required when maintenance or hazard reduction activities do not disturb painted surfaces below the de minimis thresholds defined below:

- 20 square feet (2 square meters) on exterior surfaces;
- 2 square feet (0.2 square meters) in any one interior room or space; or
- 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as window sills, baseboards, and trim).

Owner Certification for Special Needs Project

I, _____(*name*), owner of _____(unit or address), certify that all deteriorated paint identified in the inspection report dated _____ was stabilized and that safe work practices were followed. Items 1A-1E were adhered to, in compliance with Federal, state and local regulations, except in cases where the work was exempt from safe work practice requirements as described in Item 2. I also certify that I will conduct ongoing maintenance as described in Item 3 below.

Check Number 1 or 2 <u>and</u> Number 3

_____ 1. The following practices were followed as appropriate (check all that apply).

☐ A. The prohibited work methods listed below were not used.

- ═ Open flame burning or torching.
- ═ Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- ═ Abrasive blasting or sandblasting without HEPA local exhaust control.
- ═ Heat guns operating above 1,100 degrees Fahrenheit, or those that that operate high enough to char the paint.
- ═ Dry sanding or dry scraping. (For exceptions to this rule see 24CFR 35.140 (e).)
- ═ Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR 1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration at 29 CFR 1010.1200 or 1926.59, as applicable to the work.

☐ B. Workers performing the work were qualified to do so, in compliance with 24 CFR. 35

- ═ Workers were supervised by a certified abatement supervisor; or
- ═ Workers successfully completed a HUD-approved training on Lead Safe work practices (see www.hud.gov/offices/lead/lbptraining for a listing of approved courses)

☐ C. Protection of occupants and preparation of the worksite as described below.

- Occupant Protection

  - ═ Occupants were not permitted to enter the worksite during hazard reduction activities until final clearance was achieved.
  - ═ Occupants were temporarily relocated before and during hazard reduction activities if necessary.
  - ═ Dwelling unit and worksite were secured against unauthorized entry, and occupants' belongings were protected from contamination by dust-lead hazards and debris during hazard reduction activities.
  - ═ Occupants' belongings in a containment area were relocated to a secure area outside the containment area or covered with appropriate materials.

- Worksite Preparation

  - ═ Worksite was prepared to prevent release of leaded dust and contained lead-based paint chips and other debris from hazard reduction activities within the worksite.
  - ═ A warning sign was posted at each entry to rooms where hazard reduction activities were conducted when occupants were present.

☐ D. Specialized cleaning after hazard reduction activities including:

- Used HEPA vacuum cleaners; or other method of equivalent efficacy; and
- Lead-specific detergents or equivalents.

☐ E. Clearance of unit achieved before reoccupancy was permitted.

_____ 2. Safe work practices and clearance were not required when activities do not disturb painted surfaces below the *de* minimis thresholds defined below.

- The maintenance or rehab hazard reduction activities did not disturb painted surfaces that totaled more than:

  - 20 square feet on exterior surfaces;
  - 2 square feet in any one interior room or space; or
  - 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as windowsills, baseboards, and trim).

_____ 3. I will comply with ongoing maintenance requirements, for the term of the HUD assistance including:

- Performance of visual assessments for deteriorated paint, bare soil and lead hazard control failures of all lead-based paint in units, annually and at unit turnover.
- Repair all deteriorated paint above de minimis levels* using Safe Work Practices.
- Repair all encapsulated or enclosed areas that are damaged or failing using appropriate interim controls or abatement methods (if applicable).
- Request in writing that occupants of units monitor lead-based paint surfaces and notify me regarding any new potential lead hazards. (For units that are newly leased during this monitoring period.)

*De minimis levels are defined as:

- 20 square feet on exterior surfaces;
- 2 square feet in any one interior room or space; or
- 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as windowsills, baseboards, and trim).

_____	_____	_____	_____
Owner Signature	Date	City of _____ Representative	Date

Special Needs Lead Compliance Document Checklist

The following documents should be in each Special Needs unit file to document compliance with the lead requirements:

Document Name	Purpose	✓
Lead Safe Housing Rule Screening Sheet	Documents exemptions	
Physical inspection form (HQS or equivalent)	Documents visual assessment results	
Owner Certification	Owner certifies that paint was stabilized by qualified workers and that safe work practices were followed during paint stabilization	
Clearance Report	Documents that unit passed clearance	
Disclosure Form	Documents that tenant received disclosure and pamphlet.	
Lead Hazard Reduction Notice	Documents that tenant received required lead hazard reduction notification.	
Documentation of ongoing maintenance activities (for projects with ongoing subsidy) • Inspection reports – from annual and turn-over inspections • Clearance report from each maintenance job involving painted surfaces above the de minimis • Notice of lead hazard reduction for each maintenance job involving painted surfaces	Documents that a visual assessment is performed at least annually and that any deteriorated paint is addressed appropriately (including clearance and notice of lead hazard reduction)	

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

JAN 12 2002

Dear HUD CDBG and/or HOME Grantee:

Enclosed are materials that will enable you to receive up to $150 per dwelling unit for clearance testing in your housing covered by HUD's new Lead Safety Regulation. HUD is providing nearly $10,000,000 to grantees to help ensure that children are protected from lead poisoning in Federally assisted housing. The materials implement HUD Notice OHHLHC 01-01, Availability of Funds for Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Grantees for Clearance Testing Required by HUD's New Lead Safety Regulation (available at **www.hud.gov/offices/lead**).

In implementing the Notice, the Office of Healthy Homes and Lead Hazard Control contracted with Destiny Management Services, LLC, of Beltsville, MD, to process your payment requests. Each grantee that chooses to take this opportunity will:

- Estimate the number of units to have lead hazard reduction work within the year,
- Identify the units actually examined and provide copies of the clearance examination invoices for each unit (invoices may be sent in batches), and
- Provide clearance examination reports and backup documents for a fraction of the units when requested to help ensure the quality of the work.

In most cases, the Contractor will commit funds based on the estimate of the number of units. Should an estimate be submitted after all funds are committed, the Contractor will put the request for funds on a wait list.

HUD recognizes that the transition to comply with the revised Lead Safe Housing Rule is challenging. I want to acknowledge the time and effort of representatives of the grantees and public interest groups who worked with the staff of our Offices to make this project a reality.

If you have policy questions, please contact Dr. Robert F. Weisberg, of the Office of Healthy Homes and Lead Hazard Control at (202) 755-1785, extension 113, or Robert_F._Weisberg@HUD.gov. If you have operational questions, please contact Destiny, at 1-888-937-9690 (toll-free) or **grantee@destinymgmtsvcs.com**.

Sincerely,

Roy A. Bernardi
Assistant Secretary

Enclosure

Guidelines for Disbursing Clearance Testing Funds
U.S. Department of Housing and Urban Development
Office of Healthy Homes & Lead Hazard Control
Office of Community Planning and Development

Purpose: Pursuant to HUD Notice OHHLHC 01-01, CDBG and HOME grantees may receive up to $150 for each clearance test performed in accordance with the Lead Safe Housing Rule (24 CFR 35). Approximately ten million dollars is available for distribution.

How Grantees Can Request Funds: Under contract to the Office of Healthy Homes and Lead Hazard Control, Destiny Management Services LLC (DMS) will mail each grantee a clearance test Estimate Form and a Payment Request Package. Grantees who wish to receive Clearance Testing Funds must complete an Estimate Form and Payment Request and return this information to DMS no later than the dates provided below. After verifying the grantee's information on the Estimate Form and in the Payment Request Package, DMS will disburse the funds for the actual cost of the clearance test, up to $150 per unit, to the grantee.

A. Estimate the Number of Clearance Tests that Will be Performed: Grantees are encouraged to complete the Estimate Form as soon as possible and return it to DMS. The form will request 1) the grantee's contact information; 2) an acknowledgment that the grantee will undertake clearance tests and is ready to sign requests for proposals, task orders, or staff work orders for clearance examinations; and 3) a reasonable estimate of the number of units for which the grantee plans to request payment.

In order to ensure that each request for funds is processed and disbursed in a timely manner, grantees should estimate how many clearance tests will be performed during each of the following three periods:

Period 1—**October 1, 2001 through March 31 2002.**
Period 2—**April 1 through June 30**, and
Period 3—**July 1 through September 30, 2002**

Grantees are required to report accurate information. DMS is authorized to randomly request copies of clearance reports in order to validate the clearance examinations were completed in accordance with HUD's Lead Safe Housing Rule.

Upon receipt of the Estimate Form, DMS will send the grantee a Commitment Letter, to confirm if HUD has sufficient funds available to honor the grantee's request or acknowledge receipt and placement of the estimate on a waiting list. This will ensure that all grantees will have equitable access to clearance testing funds. Keep in mind that DMS will only pay an amount not to exceed $150 for each clearance examination performed in each planning period.

Each Estimate Form will be processed in the order received as long as funds are available. **If funds are not exhausted by October 30, 2002, HUD may make the funds available for a longer period or reimburse costs for previously performed tests that exceeded a grantee's original estimate.**

B. Submit a Payment Request Package: After receiving a Commitment Letter from DMS, the grantee must submit its Payment Request no later than 30 (thirty) days after the close of each Period. The information in the Payment Request Package will require the grantee to certify to the conditions of the Notice and provide data, as described below, to DMS. **Grantees may submit their Payment Requests monthly, but not later than 30 (thirty) days after the close of each Period.** The requests must be submitted within thirty days of the close of each period, otherwise funds committed for that period will be released.

Upon receipt of the Payment Request Package, DMS will then verify the information in the Package and disburse payment. All verified Requests will be paid promptly, usually within 30 days after the request is received. Only one payment will be made for each unit, regardless of the amount requested. Remember that if CDBG or HOME funds were originally used to pay for the clearance test, then the funds from the HUD contractor must be deposited in the CDBG or HOME program account and accounted for as an applicable credit.

Information for Payment Request Package: Grantees must submit the following:

- For each clearance test performed: the address and unit number (if applicable) of the property where the clearance test was performed; date the clearance report was issued; whether the unit passed or failed; and where a grantee receives both CDBG and HOME grants, whether the rehabilitation, acquisition, down payment assistance, or other activity, indication of which grant was used to undertake the activity.
- For each clearance test performed by a contractor: a copy of the contractor's invoice that specifically refers to the addresses of the units for which Clearance Testing Funds are being requested.
- For clearance tests performed by grantee staff: the name(s) of the employee(s) performing the clearance tests, annual and hourly pay, salary costs, number of hours to complete clearance tests, and a copy of the invoice for any laboratory tests. Each invoice from the laboratory must specifically refer to the address(es) of the unit(s) for which Clearance Testing funds are requested.
- Payment request forms may include units from different locations, but each clearance exam must be specifically documented in the invoice and other supporting documents.

Monitoring for Accurate Information: Destiny Management Services will review Request for Payment documents it has received and randomly select one or more units for which each grantee must provide a copy of the clearance testing report and laboratory testing report.

If you have further questions regarding this information, you may contact Destiny Management Services at 1-888-937-9690 (toll-free) or send an e-mail to grantee@destinymgmtsvcs.com

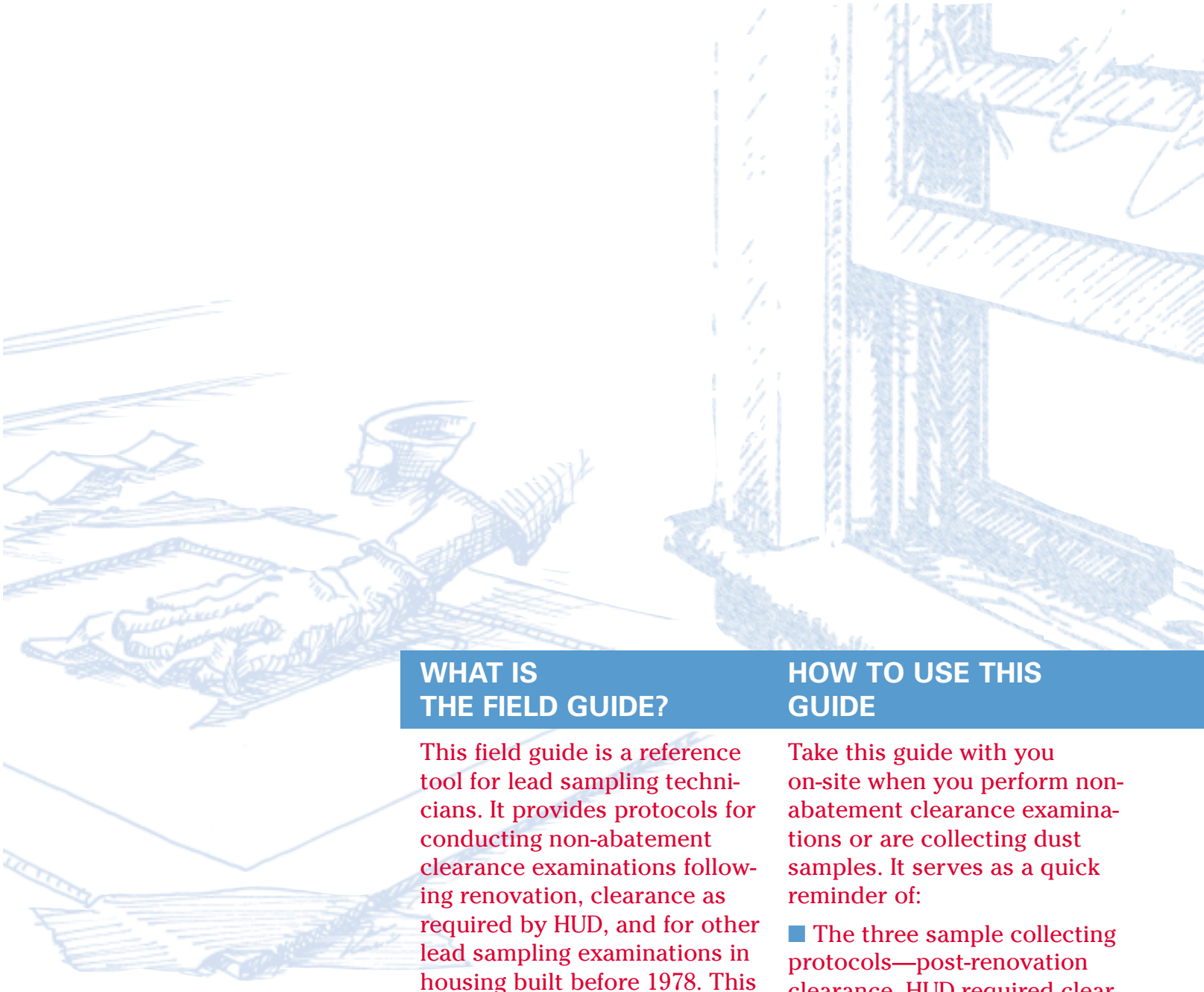
Appendix B:
Forms 51 – 53

United States
Environmental Protection
Agency

Office of Pollution
Prevention and Toxics

EPA 747-B-00-004
August 2000

Lead Sampling Technician Field Guide



WHAT IS THE FIELD GUIDE?

This field guide is a reference tool for lead sampling technicians. It provides protocols for conducting non-abatement clearance examinations following renovation, clearance as required by HUD, and for other lead sampling examinations in housing built before 1978. This guide also provides Federal guidance and standards for lead-contaminated dust and gives step-by-step instructions for taking a dust wipe sample.

HOW TO USE THIS GUIDE

Take this guide with you on-site when you perform non-abatement clearance examinations or are collecting dust samples. It serves as a quick reminder of:

- The three sample collecting protocols—post-renovation clearance, HUD-required clearance, and sampling to identify lead-contaminated dust in the home;
- What to tell your client; and
- EPA and HUD guidance.

Which Type of Lead Sampling Examination is Appropriate?

Conduct post-renovation clearance…

After renovation, remodeling, and repainting activities are finished in a privately owned house or multi-family property built before 1978.

Conduct HUD-required clearance…

When non-abatement clearance is required under HUD's lead-based paint regulation (24 CFR 35). The requirements often apply to HUD-funded rehabilitation and for HUD-supported housing.

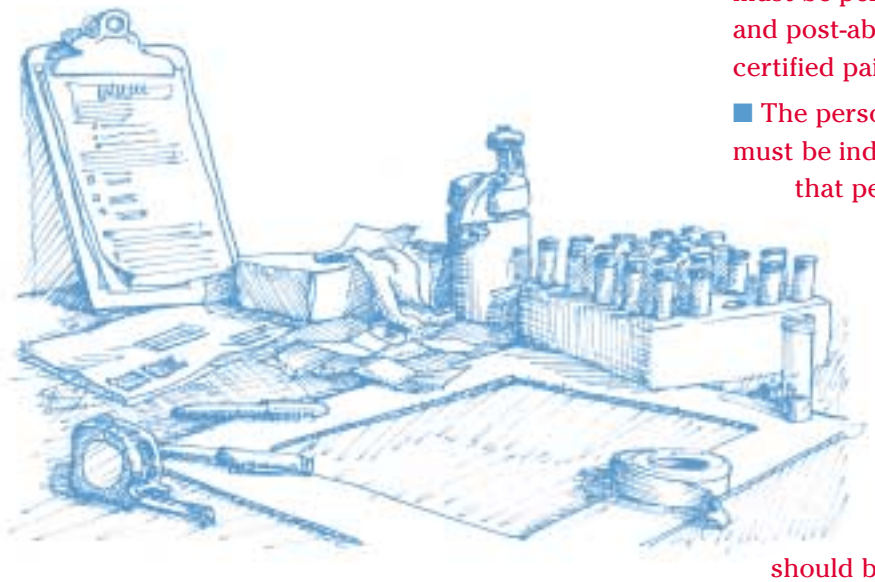
Conduct other lead sampling…

When you want to know if there is lead-contaminated dust in your home or

If you own or manage an apartment, at apartment turnover to check for lead-contaminated dust.

EQUIPMENT LIST

- Moist baby wipes or towelettes
- Sample collection tubes
- Disposable gloves
- Sampling area templates
- Tape measure or ruler
- Tape
- Pen, indelible ink marker
- Trash bag(s)



Who Can Perform Each Type of Examination?

Post-Renovation Clearance

- State requirements for lead sampling vary by state. Sampling technicians should check with their state's agency responsible for lead before conducting sampling. No certification is required unless state and local laws require it. (Certified paint inspectors and risk assessors may also perform post renovation clearance.)
- Lead sampling technicians cannot perform clearance following abatement where the work is intended to permanently eliminate lead-based paint or lead hazards. EPA requires that post-abatement clearance be performed by certified paint inspectors and risk assessors.

HUD-Required Clearance

- Lead sampling technicians can perform HUD-required non-abatement clearance if they are certified. If they have taken lead-sampling training but are not certified, they can perform clearance if under the supervision of a certified paint inspector or risk assessor. State and local laws may also apply.
- Lead sampling technicians can perform HUD-required non-abatement clearance in single units in single- or multifamily properties. If a subset of units in a multifamily property is being used to clear the entire property, the sampling technician must be supervised by a certified paint inspector or risk assessor.
- Lead sampling technicians cannot perform clearance in situations where abatement was performed. Abatement must be performed by certified abatement contractors and post-abatement clearance must be performed by certified paint inspectors and risk assessors.
- The person conducting the clearance examination must be independent from the individual or contractor that performed the work. However, a qualified in-house employee can conduct the clearance if he/she did not perform the hazard reduction or maintenance activity.

Other Lead Sampling

- Dust samples can be collected by a trained lead sampling technician to check for lead-contaminated dust.
- Paint chip, soil, and water samples should be collected by certified risk assessors or lead-based paint inspectors only.

Post-Renovation Clearance Examination

How to Do It

1 Tell the client about cleaning to remove lead-contaminated dust.

■ Tell the client to clean the work area before the clearance examination. Ideally, cleaning should take place at least one hour after work is complete and at least one hour before the clearance examination. Provide a factsheet on cleaning to the client. (Provide a fact sheet similar to the one provided in the student manual for the Lead Sampling Technician Course.)

2 Determine the clearance area.

■ Ask the client where work took place.

3 Conduct visual assessment of the clearance area.

■ If there are visible dust, construction debris or paint chips in the clearance area, advise the client to clean before taking dust samples.

■ If there is deteriorated paint in the clearance area, record the locations on the visual evaluation form. Inform the client that the deteriorated paint should be repaired to prevent possible lead exposure. Provide information on safe paint repair.

4 Take dust samples.

■ Take a dust sample on:

✓ Up to 4 floor surfaces (in rooms where work occurred)

✓ Up to 4 window sills (if work was done on windows)

■ Single or composite samples can be taken, however, single surface sampling is recommended to get results for specific surfaces.

■ Dust samples do not need to be taken for exterior surfaces. (For exterior clearance only a visual assessment is necessary.)

5 Analyze the results.

■ Compare the laboratory results to the EPA guidance provided below.

EPA Guidance:

✓ Floors: 100 µg/ft^2

✓ Interior window sills: 500 µg/ft^2

6 Write the report.

■ Use the standard report format. Attach fact sheets on safe paint repair, cleaning to remove lead-contaminated dust, sources of lead exposure, and monitoring painted surfaces.

■ Sign the report.

■ If the clearance failed, state this in the report. Tell the client that the work area or dwelling should be recleaned and recommend that clearance be conducted again.

HUD-Required Clearance Examination

How to Do It

1 Tell the client about cleaning to remove lead-contaminated dust.

■ Cleaning should take place at least one hour after work is complete and at least one hour before the clearance examination. Provide a factsheet on cleaning to the client.

2 Determine the clearance area.

■ The client should identify the clearance area.

■ In most cases, the clearance examination is conducted for the entire unit. In some cases, the clearance examination is conducted for the work site only. This is the case with HUD-funded rehabilitation under $5,000 and for hazard reduction work associated with maintenance required by the HUD lead-based paint regulations.

3 Conduct visual assessment of the clearance area.

■ If there are visible dust, deteriorated paint, construction debris or paint chips in the clearance area, record the locations on the visual evaluation form. Inform the client that these conditions must be corrected before taking dust samples. If deteriorated paint is found, it must be stabilized.

✓ If the client states that these areas are not covered by the clearance exam, you may continue with the exam. A satisfactory explanation would be that the surface has been tested and does not contain lead-based paint or that the surface is not part of the clearance area.

4 Take dust samples.

■ For unit-wide clearance (in most situations), sample work areas and areas where children spend time (kitchen, living room, child's bedroom)

✓ Up to 4 floors (one per room)

✓ Up to 4 windows (one per room). *If work involved windows, alternate between interior sills and troughs. If work did not involve windows, sample only interior sills.*

■ For worksite clearance (only for rehabilitation jobs less than $5000 and some maintenance activities), take samples only in the worksite:

✓ Up to 4 floor surfaces (one per room)

✓ Up to 4 windows (one per room). *If work was done on windows, alternate interior sills and troughs (up to 2 of each). If no window work was done, sample up to 4 interior sills.*

■ Single surface sampling is recommended to get results for specific surfaces.

5 Analyze the results.

■ Compare the laboratory results to the HUD interim standards provided below.

HUD Interim Standards:

✓ Floors: 40 µg/ft²

✓ Interior window sills: 250 µg/ft²

✓ Window troughs: 800 µg/ft²

6 Write the report.

■ Use the standard report format. Attach fact sheets on safe paint repair, cleaning to remove lead-contaminated dust, potential sources of lead exposure, and monitoring painted surfaces.

■ The report must be signed by the lead sampling technician or a supervisory risk assessor or paint inspector.

■ If the unit failed clearance, the client must:

✓ Stabilize any deteriorated paint.

✓ Re-clean the unit.

✓ Have the clearance examination conducted again.

Other Lead Sampling Examinations

How to Do It

1 Tell the client about cleaning and testing options.

■ Cleaning—client may or may not want to clean prior to the examination. Provide the client information on cleaning techniques.

■ Testing options—the client may choose to use single or composite dust wipe samples.

2 Determine the sampling area

■ The sampling area is likely to be the whole unit.

■ Ask the client where children spend time, where work was done, where paint has deteriorated, etc.

3 Conduct a visual assessment of the sampling area.

■ If there are visible dust, construction debris or paint chips in the sampling area, advise the client to clean the dust and debris before taking dust samples.

✓ If there is deteriorated paint in the sampling area, record the locations on the visual evaluation form. Inform the client that the deteriorated paint should be repaired to prevent possible lead exposure. Provide a factsheet on safe paint repair.

4 Take dust samples.

■ Perform dust sampling in at least four rooms. Sample:

✓ 4 floors (4 single samples or 1 composite sample)

✓ 2 interior window sills (2 single samples or 1 composite sample)

✓ 2 window troughs (2 single samples or 1 composite sample)

■ Choose 4 rooms/areas to sample where children spend the most time.

5 Analyze the results.

■ Compare the laboratory results to the EPA guidance provided below.

EPA Guidance:

✓ Floors: 100 µg/ft^2

✓ Interior window sills: 500 µg/ft^2

✓ Window troughs: 800 µg/ft^2

6 Write the report.

■ Use the standard report format. Attach fact sheets on safe paint repair, cleaning to remove lead-contaminated dust, potential sources of lead exposure, and monitoring painted surfaces.

■ The report should be signed by the lead sampling technician. If lead-contaminated dust is found, encourage the client to:

✓ Clean the unit and conduct sampling again.

✓ Repair deteriorated paint using safe work practices (provide fact sheet similar to the one in the student manual for the Lead Sampling Technician Course).

✓ Consider hiring a risk assessor to get more information about the unit.

Other Useful Resources

Office of Pollution Prevention and Toxics (OPPT) / U.S. Environmental Protection Agency (EPA)
401 M Street, SW (7401)
Washington, DC 20460
202-260-3810 • http://www.epa.gov/lead
OPPT can provide information on EPA regulations regarding lead-based paint in the home.

Office of Lead Hazard Control (OLHC) / U.S. Department of Housing and Urban Development (HUD)
451 Seventh Street, SW, Room P-3206
Washington, DC 20410
202-755-1785
http://www.hud.gov/lea/leahome.html
OLHC can provide information on the HUD lead-based paint regulations and technical assistance in complying with the HUD regulations for HUD-funded work.

National Lead Information Center (NLIC)
8601 Georgia Avenue, Suite 503
Silver Spring, MD 20910
Information Clearinghouse:
1-800-424-Lead (1-800-424-5323)
http://www.epa.gov/lead/nlic.htm
Clearinghouse of information—from outreach brochures to technical reports—on lead-based paint in the home.

Taking Lead Dust Wipe Samples

1 Lay out the sample area.

■ Tape the template to the floor or use tape to outline the sample area.
✓ Do not touch or disturb the area inside the template or tape.

2 Have the sample collection tube ready.

■ Label each tube with its own identification number to be recorded on the sample collection form. Use indelible ink. Place partially opened tubes near the spot you will sample.

3 Put on clean gloves.

■ Put on clean gloves *before* collecting each sample. Do not touch anything other than the wipe after putting on the gloves.

4 Wipe sample area.

■ Wipe the sample area using a moist baby wipe or towelette.
✓ Wipe the entire area inside the template or tape.
✓ Starting at an upper corner of the sample area, make an "S" like motion wiping the entire sample area. Press firmly with your fingers.
✓ Fold the wipe in half, dirty side to dirty side.
✓ Make another “S” motion in the opposite direction, perpendicular to the first “S” motion.
✓ For narrow interior window sills and troughs, use a side to side motion.
✓ Place the folded wipe in the nearby tube or sampling container.

5 Write down the measurements of the sample area.

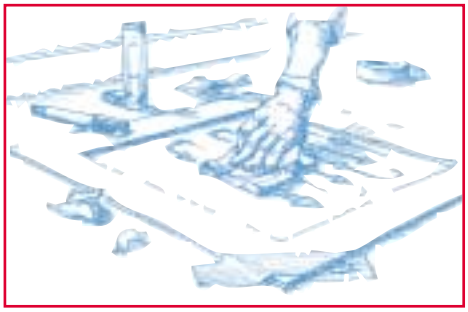
■ If a template is used, record its measurement. If tape is used, measure the width and length of the sample area.

6 Clean the sampling equipment.

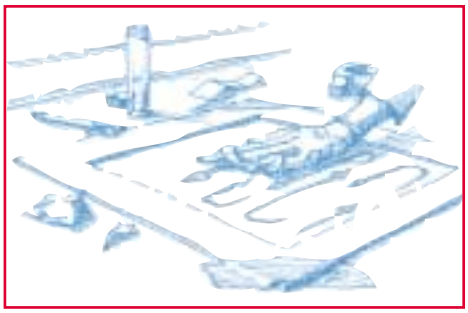
■ Clean all of the sampling equipment including tape measure or ruler.

7 Send the samples to a laboratory recognized by the National Lead Laboratory Accreditation Program (NLLAP).

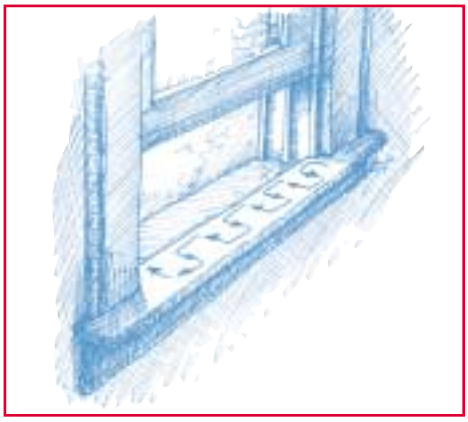
If you do composite sampling:
✓ Be sure the lab will analyze composite samples.
✓ Up to four floor wipes can be put into one tube.
✓ Do not mix wipes from different sample areas. For example, do not put wipes from a windowsill and floor in the same tube.
✓ Label the location of each sample area on the tube.



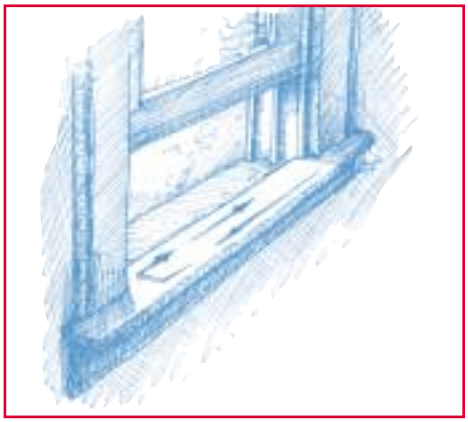
Start in corner and wipe sideways



For the second pass, wipe in the *opposite* direction



Wipe from side to side



For the second pass, wipe in the *opposite* direction

Federal Requirements for Volunteer Paint and Rehabilitation Programs

Volunteers Supporting Community Needs and Protecting Children from Lead Hazards

HUD recognizes the important role of volunteer paint and rehabilitation programs in enhancing community vitality and promoting volunteerism.

These programs are often assisted by HUD (typically through Community Development Block Grant or HOME funds) and may involve homes built before 1978. To ensure that children and volunteers are protected from lead exposure, HUD has issued new lead safety requirements that apply to the paint and rehabilitation programs it funds. **These requirements were published on September 15, 1999 and will become fully effective on September 15, 2000.**

This fact sheet provides an overview of the lead safety requirements for housing built before 1978, receiving less than $5,000 in federal rehabilitation assistance. For the detailed requirements of these and programs receiving more than $5,000 in federal rehabilitation assistance, please see Subpart J of the regulation.

Although these requirements only apply to HUD-assisted programs, HUD encourages all volunteer programs to prevent lead poisoning by work safely with lead paint.

Background
Most housing built before 1978 contains some lead-based paint. Lead paint dust, chips and contaminated soil can poison young children, their parents, and workers if safe work practices are not followed.

Working Safely With Lead Paint
The new requirements emphasize "safe work practices" which are intended to reduce the generation of dust and prevent contamination of the property. Safe work practices help to protect residents and volunteers from lead exposure.

Volunteers should know how to protect themselves, residents, and their families from lead paint dust, paint chips and contaminated soil. Working safely with lead requires few new tools and techniques. Volunteer organizations should follow these simple steps to minimize the risk of lead poisoning:

General Precautions

- Identify tasks on each project where children should be excluded because they may be exposed to lead dust.
- Ensure that durable plastic sheeting and tape are available to isolate the worksite and cover the floor and ground.
- Before sanding or scraping, use a spray bottle to dampen painted surfaces to control lead dust.
- Use a utility knife to pre-score painted material being removed. Dampen the area before scoring.

Relocation
Volunteer paint and rehabilitation programs are typically of short duration. Thus, relocation of residents will probably not be required. However, young children (and pregnant women) should not be permitted in the work area itself. The regulation states that relocation is not required when:

- The work will not disturb lead-based paint, or create dust-lead or soil-lead hazards; or
- The work is on the exterior only and openings are sealed to prevent dust from entering the home, the work area is cleaned after the work is completed, and the residents have alternative entry; or
- The interior work will be completed in one period of less than 8-daytime hours and the work site is contained to prevent the release of dust into other areas of the home; or
- The interior work will be completed within 5 calendar days, the work site is contained to prevent the release of dust, the worksite and areas within 10 feet of the worksite are cleaned at the end of each work day to remove any visible dust and debris, and the residents have safe access to kitchen, bath and bedrooms.

Volunteers Supporting Community Needs and Protecting Children from Lead Hazards

TESTING FOR LEAD PAINT

- Prior to doing the work, painted surfaces that will be disturbed by the rehabilitation activity must be tested for lead paint by a certified lead inspector (often available at local housing or health departments).
- Paint chip analyses can be performed for as little as $5-10 per sample.
- Since much paint does not contain lead, testing indicates what additional requirements will apply. If no lead is present, no additional requirements apply. If lead is present, safe work practices must be followed.
- **As an alternative to testing, one can presume that lead paint is present and follow the safe work practices described below.**

SAFE WORK PRACTICES

Safe work practices reduce the amount of dust generated and include: 1) a prohibition on specific methods of paint removal, 2) occupant protection and worksite preparation, and 3) specialized cleaning.

Following the work, you must perform a clearance examination of the worksite to make certain it is safe for residents to enter.

Safe work practices are not required if the area of paint which will be disturbed is below a de minimus (or threshold) level. The de minimus levels are:

- Twenty square feet for exterior surfaces
- Two square feet for any one interior room or space, or 10 percent of the total surface area of any small surface such as a window sill or trim.

Prohibited Practices
Effective November 15, 1999, certain methods of paint removal are prohibited because they release large amounts of dangerous dust and fumes.

Prohibited methods are:

- Open flame burning or torching
- Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control (this includes the use of belt sanders)
- Abrasive blasting or sandblasting without HEPA local exhaust control
- Heat guns operating above 1100 degrees Fahrenheit or charring the paint
- Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1 foot of electrical outlets, or when treating defective paint spots totaling no more than the de minimus levels
- Paint stripping in a poorly ventilated space using methylene chloride

Worksite Protection
Occupants and their belongings should be protected and the worksite prepared by:

- Excluding residents from the worksite.
- Taping heavy plastic over floors, doors, windows, and vents to prevent the release and spreading of lead dust, paint chips and debris.
- Moving furniture out of the work area or covering it with heavy plastic.

Cleaning
Specialized cleaning of the work area following the job can effectively remove lead dust and prevent lead exposure.

- Use a High Efficiency Particulate Air (HEPA) vacuum to clean all floors and other surfaces where dust can settle.
- Wash floors, walls, window sills, and other surfaces with detergent and rinse with fresh water.
- Dispose of debris, paper towels and wash cloths in heavy plastic bags. Never burn lead debris.

Clearance
Following the rehabilitation activities, clearance is required unless the painted surfaces which were disturbed are less than the de minimus levels (see safe work practices).

- Clearance examinations include a visual evaluation and, for interior work only, a dust test to determine if hazardous levels of lead remain following cleaning.
- Clearance examinations must be performed by a certified lead-based paint inspector, risk assessor, or clearance technician (local community development agency, housing or health departments are often able to provide this testing).

For More Information
To speak to a HUD Specialist about the new Federal regulation, call (202) 755-1785x104 or send e-mail to lead_regulations@hud.gov. For copies of the HUD regulation (*Final New HUD Regulation on Lead-Based Paint Hazards in Federally Owned Housing and Housing Receiving Federal Assistance*, September 1999), or HUD's *Lead Paint Safety Field Guide*, call the National Lead Information Center at (800) 424-LEAD or visit www.hud.gov/offices/lead.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-3000

OFFICE OF LEAD HAZARD CONTROL

March 21, 2000

Christmas in April Affiliates

Dear Affiliate Leaders:

At the request of Christmas in April ★ USA, we are pleased to provide you with a summary of the new regulatory requirements for addressing lead-based paint hazards for only those affiliates working on housing receiving Federal rehabilitation assistance up to $5,000. This includes both Community Development Block Grant and HOME funding. These new regulations take full effect on September 15, 2000. Even if your affiliate is not receiving federal funding, we encourage you to still follow safe work practices. If your affiliate spends over $5,000 on a home there are other requirements.

HUD applauds the important work you do. The regulation was crafted to permit repainting to continue while also protecting children and your volunteers from lead poisoning.

Working with Lead-Based Paint: General Precautions

Housing built before 1978 may have lead-based paint. Lead-based paint dust, chips and contaminated soil can poison young children, their parents, and workers if safe work practices are not followed.

There are a few simple steps affiliates can take to minimize the risk of lead poisoning. Please work with your volunteers to ensure that they understand how to protect themselves, homeowners, and their families from lead paint dust, paint chips and contaminated soil. This should include identifying tasks on each project where children should be excluded, because they may be exposed to lead dust.

The work practices you will have to change are few. Minimizing dust requires few new tools or techniques. Affiliates should:

- Ensure that durable plastic sheeting and tape are available to isolate the worksite and cover the floor and ground.
- Minimize dust generation
  - Use a spray bottle to mist surfaces that are being cut, sanded, or scored.
  - Use a utility knife to pre-score painted material being removed.
- Consider additional precautions - see "Safe Work Practices" below.

Please refer to the enclosed *Lead Paint Safety Field Guide* for more information on safe practices for painting, home maintenance, and renovation work.

HUD Lead Based Paint Regulation: Effective September 15, 2000

The emphasis of the new requirements is to reduce the amount of dust generated and prevent any dust generated from contaminating the property and placing the residents and your volunteers at risk of lead poisoning. These new regulatory requirements apply only to those affiliates receiving up to $5,000 in Federal rehabilitation assistance per housing unit. Other sections of the regulation describe requirements when a housing unit receives more than $5,000 in assistance.

Because the work that Christmas in April conducts is typically of short duration, relocation of residents would probably not be required, although young children should not be permitted in the work are itself. The regulation states that relocation is not required when:

- The work will not disturb lead-based paint, or create dust-lead or soil-lead hazards; or
- The work is on the exterior only and openings are sealed to prevent dust from entering the home, cleaned after the work is completed, and the residents have an alternative entry; or
- The interior work will be completed in one period of less than 8-daytime hours and the work site is contained to prevent the release of dust into other areas of the home; or
- The interior work will be completed within five calendar days and the work site is contained to prevent the release of dust, and the worksite and areas within 10 feet of the worksite are cleaned at the end of each work day to remove any visible dust and debris, and the residents have safe access to kitchen, bath and bedrooms.

The following information has been extracted from the regulation.:

Testing of Surfaces - You must conduct testing of the painted surfaces which will be disturbed by the rehabilitation or presume that these surfaces are coated with lead-based paint. Testing must be performed by a certified lead-based paint inspector, often available at local housing or health departments. Paint chip analyses can be performed for as little as $5-10 per sample. Much paint is not lead-based paint, in which case the regulation's requirements do not apply.

Safe Work Practices - Any work which involves painted surfaces must use Lead-Safe Work Practices, unless it is known that the paint is not lead-based paint. Safe Work Practices focus on protecting residents and workers by reducing the amount of dust generated. Safe Work Practices include a prohibition on specific methods of paint removal, occupant protection and worksite preparation, and specialized cleaning. Safe work practices are not required if the area of paint which will be disturbed is below the de minimis (threshold) levels. The de minimis levels are 20 square feet for exterior surfaces, two square feet for any one interior room or space, or 10 percent of the total surface area of any small surface such as a window sill or trim. Following the conduct of such rehabilitation, you must perform a clearance examination of the worksite to make certain it is safe for residents to enter.

Safe Work Practices include a prohibition on paint removal using methods which have been shown to be hazardous because they release large amounts of dust and fumes. **The prohibition on using these methods took effect on November 15, 1999.** Prohibited methods are:

- Open flame burning or torching
- Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control (this includes the use of belt sanders)
- Abrasive blasting or sandblasting without HEPA local exhaust control
- Heat guns operating above 1100 degrees Fahrenheit or charring the paint

- Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1 foot of electrical outlets, or when treating defective paint spots totaling no more than the de minimis levels
- Paint stripping in a poorly ventilated space using methylene chloride

Worksite Protection - Occupants and their belongings should be protected and the worksite prepared. This includes:

- Exclusion of the residents from the worksite (the worksite would be determined by the extent of the containment)
- Use of plastic or other means to prevent the release of leaded dust, paint chips and debris

Cleaning - Specialized cleaning following the work includes the use of High Efficiency Particulate Air (HEPA) vacuums and detergents shown to be effective at removing leaded dust.

Clearance - Following the rehabilitation activities, clearance is required unless the painted surfaces which were disturbed are less than the de minimis levels. Clearance examinations include both a visual evaluation as well as a dust test to determine if hazardous levels of lead remain following cleaning. Clearance examinations must be performed by a certified lead-based paint inspector, risk assessor, or clearance technician. Your local community development agency, housing or health department may be able to provide this testing for you.

Lead paint hazards are real and cannot be ignored. At the same time, lead paint is no reason to stop painting homes. Adopting the work practices outlined in this letter will enable you to continue your excellent work, while also ensuring the health and safety of all concerned.

If you have any questions, please contact the lead regulations team at (202) 755-1785x104 (lead_regulations@hud.gov). You may also get information (or a copy of the regulation) from the National Lead Information Center at 800-424-LEAD or on our website at www.hud.gov/lea.

Sincerely,

Signed

David E. Jacobs, Ph.D
Director

Enclosure

RISK ASSESSMENT REPORT CHECKLIST

1. Summary

Identification Information

- Full address of property and unit (if applicable)
- Property owner's address and telephone number
- Name, address, and telephone number of risk assessor and firm
- Certification/license number of risk assessor and firm

Basic Inspection Information

- Date of risk assessment and start and stop time
- Brief description of procedures used or reference to documented methods
- Brief description of the type of risk assessment conducted
- Make, model, serial number, and source date (if applicable) for XRF machine

Summary of Results

- Brief history of renovation, repairs, and painting at property and discussion of building condition
- List of lead hazards identified including location and in rank order
- Summary of optional sampling results such as water tests (if applicable)
- Brief summary analysis of previous XRF testing reports (if applicable)

Other Information

- Statement on property owner's responsibility to disclose lead-based paint information
- Notice that deteriorated or disturbed painted surfaces may still contain lead-based paint and may pose a hazard, especially during renovation.

2. Full Explanation of Methodology and Results

Results

- History of renovation, repairs, and painting at property
- Discussion of building condition
- List of lead hazards: location, type, priority hazards indicated
- Complete paint sample results
- Complete dust testing results
- Complete soil sampling results
- Optional sampling results such as water tests (if applicable)

Test Methods

- Full description of procedures used or reference to documented methods
- Full description of the type of risk assessment conducted
- Full description of quality control procedures for XRF machine
- Analysis of previous XRF testing reports (if applicable)

3. Lead Hazard Control Plan

- Recommended interim control and/or abatement options
- Reevaluation schedule
- Risk assessor's signature and date

4. Appendix

- Laboratory analysis result forms
- All laboratory and XRF raw data